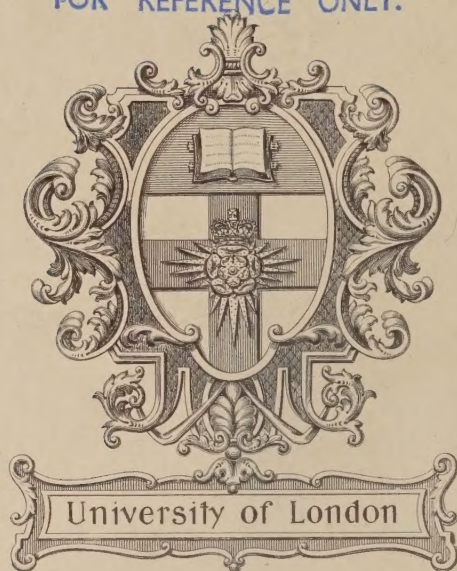


PARL. PAPERS
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B I L L S,

PUBLIC:

SIX VOLUMES.

— (3.) —

DEEDS (SCOTLAND)

TO

FORMATION, &c. OF PARISHES.

Session

31 *January* — 29 *July* 1856.

VOL. III.

1856.



BILLS:

1856.

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12 June 1856. 19 VICT.



A

B I L L

TO

Abolish certain unnecessary Forms in the framing of Deeds in Scotland.

WHEREAS an Act of the Scottish Parliament was passed Preamble.
in the Sixth Session of the First Parliament of His Ma-
jesty King William, intituled “Act allowing Securities, Act 1696,
“ &c. to be written Bookways,” which Act statutes and ordains that c. 15.
5 it shall be lawful to write any Contract, Decreet, Disposition, Extract,
Transumpt, or other Security by way of Book, in Leaves of Paper,
provided that every Page be marked by the Number, first, second,
&c., and signed, and that the End of the last Page make mention how
many Pages are therein contained, in which Page only Witnesses are
10 to sign in Writs and Securities, where Witnesses are required by
Law: And whereas the Safeguards prescribed by the said Act, other
than the said Provision as to marking every Page by Number, have
been found in Practice to be of themselves amply sufficient for the
Purposes thereof, and the said Provision as to marking every Page by
15 Number has been very generally neglected in Practice, and it would
therefore be beneficial to and for the Security of the Public that the
same should be abolished: Be it therefore enacted by the Queen’s
most Excellent Majesty, by and with the Advice and Consent of the
[Bill 174.] Lords

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Pages of
Deeds and
Writings
need not be
marked by
Numbers.

I. That from and after the *First Day of* *in the Year*
One thousand eight hundred and fifty-six it shall not be competent
to institute or to insist in or maintain any Challenge of or Exception 5
to any Deed or Writing aforesaid, or any Deed or Writing of any
Description whatever, on the Ground that the Pages thereof are not
marked by Numbers; and it shall no longer be necessary to mark
the Pages of any Deed or Writing by Numbers, any Law or Practice
to the contrary notwithstanding: Provided always, that nothing herein 10
contained shall be construed to affect the Provision of the said recited
Act, or of any other Act or Acts of Parliament, as to mentioning in
the Testing Clause the Number of the Pages of which the Deed
consists, or the Provision as to signing each Page of the Deed, or any
other Provision of the said recited Act. 15

Deeds (Scotland).

A

BILL

To abolish certain unnecessary Forms in
the framing of Deeds in Scotland.

(*Prepared and brought in by
The Lord Advocate and Sir George Grey.*)

*Ordered, by The House of Commons, to be Printed,
12 June 1856.*

[Bill 174.]

Under 1 oz.

18 *February* 1856. 19 VICT.



A

B I L L

TO

Make Provision for the Management of certain
Lands belonging to Her Majesty within the
former Limits of the late Forest of Delamere
in the County of Chester.

WHEREAS by an Act passed in the Fifty-second Year of Preamble.
the Reign of His late Majesty King George the Third,
Chapter One hundred and thirty-six (Local and Personal),
Commissioners were appointed to determine the ancient Boundaries of
5 the Forest of Delamere in Cheshire: And by the said Act it was,
amongst other Things, enacted, that the said Commissioners should
divide the said Forest into Moieties, and should allot unto the King's
Majesty, His Heirs and Successors, One of the said Moieties, which
Moiety, so soon as the same should be fenced in and severed from the
10 Lands adjoining thereto, it was by the said Act declared should
become the exclusive and absolute Property of the King's Majesty,
His Heirs and Successors, discharged of all Rights of Common and
otherwise, as in the said Act is mentioned: And whereas by the said
Act it was also enacted, that the said Moiety so to be allotted to
15 His Majesty, His Heirs and Successors, should for ever thereafter be
made and kept by and under the Direction and Care of His Majesty's
Surveyor General of Woods and Forests for the Time being, under
[Bill 38.] the

the Order and Control of the Lords of the Treasury, as Nurseries for Wood and Timber only, and for no other Use, Intent, or Purpose whatsoever: And whereas in pursuance of the said recited Act and of another Act passed in the Fifty-fourth Year of the Reign of His said late Majesty to alter and amend the said first-recited Act, the said Commissioners duly made their Award, bearing date on or about the Thirty-first Day of December One thousand eight hundred and sixteen, whereby they did set out and award to the King's Majesty, His Heirs and Successors, the several Allotments or Parcels of Land therein described, containing in the whole Three thousand nine hundred and five Acres One Rood Two Perches, or thereabouts, which have been duly enclosed and severed as by the said first-mentioned Act is provided: And whereas by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, Chapter Fifty, the Possessions and Land Revenues of the Crown therein mentioned or referred to were placed under the Management of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and their Successors, and by the said Act Powers are given to the said Commissioners of selling, exchanging, and leasing the said Possessions of the Crown; and by the same Act it was provided that the Powers of leasing therein-before given should not extend to the demising or leasing of any of the Royal Forests, Parks, or Chases in England: And whereas, inasmuch as divers Parts of the said Allotments so made to the Crown as aforesaid have been found by Experience to be unfit to be used as Nurseries for Wood and Timber, it is expedient that so much of the first-recited Act as directs the same Allotments to be used in such Manner only shall be repealed, and that the Provisions of the said Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth should be extended to the said Allotments as after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of
so much of
52 G.3.c.136.
as provides
that the
Crown Al-
lotment in
Delamere
Forest shall
be kept as
Nurseries
for Timber
only.

Powers of
10 G.4. c.50.
relative to
leasing, &c.
Crown

I. So much of the recited Act passed in the Fifty-second Year of the Reign of His late Majesty King George the Third, Chapter One hundred and thirty-six, as provides that the Moiety of the said Forest of Delamere allotted to His said Majesty shall be made and kept as Nurseries for Wood and Timber only, and for no other Use, Intent, or Purpose whatsoever, shall be and the same is hereby repealed. 40

II. All and singular the Powers of Leasing, Sale, Exchange, and Management, and other Provisions contained in the recited Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, Chapter Fifty, relative to the Possessions and Land

Land Revenues of the Crown to which that Act relates, not being
Royal Forests, Parks, or Chases, shall hereafter extend over and have
reference to the several Allotments or Parcels of Land awarded to
the Crown under the Authority of the said Acts passed in the
5 Fifty-second and Fifty-fourth Years of the Reign of His late Majesty
King George the Third, or of One of such Acts; and such Powers
and Provisions may be from Time to Time exercised or acted upon
by the Commissioners or Commissioner of Her Majesty's Woods,
Forests, and Land Revenues, who may, under any Act of Parliament,
10 or any Order or Warrant of the Commissioners of Her Majesty's
Treasury for the Time being, have the Management or Direction of
the Allotments or Parcels of Land herein-before mentioned.

Lands to
extend to
such Allot-
ment.

Delamere Forest.

A

B I L L

To make Provision for the Management of certain Lands belonging to Her Majesty within the former Limits of the late Forest of Delamere in the County of Chester.

(*Prepared and brought in by
Mr. Wilson and the Chancellor of the Exchequer.*)

*Ordered, by The House of Commons, to be Printed,
18 February 1856.*

[Bill 38.]

Under 1 c.

Dissenters Marriages Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

No Notice of Marriage to be read or published before Poor Law Guardians, or be transmitted to the Clerk of such Guardians; Sect. 1.

Every Notice of Marriage to be accompanied by a solemn Declaration, by One of the Parties, that there is no lawful Hindrance to such Marriage, &c. Persons making wilfully false Declarations to suffer the Penalties of Perjury; 2.

Form of Notice of Marriage; 3.

Notice of Marriage without Licence to be affixed in Superintendent Registrar's Office; 4.

No Notice of Marriage by Licence to be suspended in the Office of the Superintendent Registrar; 5.

In case of Marriage by Licence, Notice of Marriage to be given to the Superintendent Registrar of only One District; 6.

Notice of Marriage without Licence may be given in Ireland, if One of the Parties reside there; 7.

In Cases of Marriage by Licence, Certificates of the Notice thereof may be given by the Superintendent Registrar (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized; 8.

Form of Licence to marry; 9.

Mode of solemnizing Marriages in registered Buildings; 10.

Marriages by Certificate according to the Rites of the Church of England; 11.

Superintendent Registrar to whom Notice is given may grant Licence for Marriage (under 3 & 4 Vict. c. 72.) in a District in which neither of the Parties resides; and may also grant Licence or Certificate for Marriage in the usual Place of Worship of One of the Parties; 12.

Superintendent Registrar's Presence at Marriages in the Register Office to be optional. Superintendent Registrar entitled to a Fee, if present; 13.

In Districts where the Register Office is situated at a Workhouse the Superintendent Registrar may provide a Room elsewhere for the Purposes of a Register Office, subject to the Approval of the Registrar General; 14.

[Bill 23.]

A

Registrar General may appoint Registrars of Marriages ; and Appointment of Registrars of Marriages by Superintendent Registrars to be subject to the Approval of the Registrar General ; 15.

Registrar of Marriages may appoint a Deputy ; 16.

Proof of the Observance of this Act and of the recited Acts, Matters not necessary to the Validity of Marriages ; 17.

Penalty on making false Declaration, or giving false Notices ; 18.

In case of fraudulent Marriages the guilty Party to forfeit all Property accruing from the Marriage, as in 4 Geo. 4. c. 76. ; 19.

Provisions as to existing Acts ; 20.

Marriages of Quakers or Jews may be solemnized by Licence ; 21.

Registrar General to furnish to Secretaries of Synagogues Marriage Register Books and Forms ; 22.

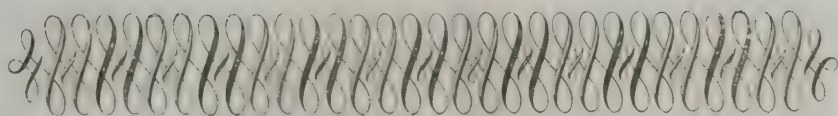
Marriages under this Act good and cognizable ; 23.

Recites the Act of 15 & 16 Vict. c. 36. Registrar General to allow Searches and give Extracts from the Returns of certified Places of Worship made to him pursuant thereto, on Payment of specified Fees ; 24.

Act not to extend to Ireland or Scotland ; 25.

Commencement of Act ; 26.

SCHEDULES.



A

B I L L

TO

Amend the Provisions of the Marriage Acts relating to Dissenters.

WHEREAS an Act was passed in the Session holden in the Preamble.
Sixth and Seventh Years of the Reign of King William the
Fourth, Chapter Eighty-five, intituled "An Act for Mar- 6 & 7 W. 4.
riages in England;" and another Act was passed in the First Year c. 85.
5 of the Reign of Her Majesty, Chapter Twenty-two, intituled "An 1 Vict. c. 22.
Act to explain and amend Two Acts, passed in the last Session of
Parliament, for Marriages, and for registering Births, Deaths, and
Marriages in England;" and another Act was passed in the Session
holden in the Third and Fourth Years of Her Majesty, Chapter
10 Seventy-two, intituled "An Act to provide for the Solemnization of 3 & 4 Vict.
Marriages in the District in or near to which the Parties reside:" c. 72.
And whereas it is expedient to alter and amend the Provisions of the
said recited Acts, so far as is herein-after provided: Be it therefore
enacted by the Queen's most Excellent Majesty, by and with the
15 Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, as follows:

1. In case of any Party intending Marriage under the Provisions of
any of the said recited Acts, no Notice of such intended Marriage
20 shall be read or published before the Guardians of any Poor Law
[Bill 23.]

No Notice of
Marriage to
be read or
published
before Poor
Law Guar-
dians, or be

transmitted
to the Clerk
of such
Guardians.

Union or Parish or Place, or be transmitted by any Superintendent Registrar to the Clerk of any such Guardians.

Every Notice
of Marriage
to be accom-
panied by a
solemn Decla-
ration, by
One of the
Parties, that
there is no
lawful Hin-
drance to
such Mar-
riage, &c.

II. In case any Party shall intend Marriage under the Provisions of any of the said recited Acts, or of this Act, the Party so intending Marriage shall, at the Time of giving the Notice required by the said recited 5 . Acts or either of them, make and sign or subscribe a solemn Declaration in Writing, either in the Body of such Notice, or by Endorsement thereon, as the Registrar General of Births, Deaths, and Marriages in England shall in that Behalf prescribe, that he or she believes that there is no Impediment of Kindred or Alliance or other lawful Hin- 10 drance to the said Marriage, and that One of the said Parties hath for the Space of *Seven* Days (in case the said Marriage is intended to be had without Licence) or for the Space of *Fifteen* Days (if such Marriage is intended to be had by Licence) immediately preceding the giving of such Notice had his or her usual Place of Abode and 15 Residence within the District of the Superintendent Registrar to whom such Notice shall be so given; and when either of the Parties intending Marriage, and not being a Widower or Widow, shall be under the Age of Twenty-one Years, the Party making such Declaration shall further declare that the Consent of the Person or Persons whose 20 Consent to such Marriage is by Law required has been given, or (as the Case may be) that there is no Person whose Consent to such Marriage is by Law required; and every Declaration so made as aforesaid shall be signed and subscribed, by the Party making the same, in the Presence of the Superintendent Registrar, or either of the 25 Superintendent Registrars if more than One, to whom the Notice of Marriage containing such Declaration is given, or in the Presence of his Deputy, or of some Registrar of Marriages for the District in which the Party giving such Notice resides, or otherwise in the Presence of Two credible Witnesses, being severally Householders resident within 30 the same District, who shall respectively attest the same by adding thereto his or her Name, Description, and Place of Abode; and no Certificate or Licence for Marriage shall be issued or granted pursuant to any such Notice as aforesaid unless the said Notice be accompanied by such solemn Declaration duly made and signed, or subscribed and 35 attested as aforesaid; and every Person who shall knowingly or wilfully make and sign or subscribe any false Declaration, or who shall sign any false Notice for the Purpose of procuring any Marriage under the Provisions of any of the said recited Acts, or of this Act, shall suffer the Penalties of Perjury. 40

Persons
making wil-
fully false
Declarations
to suffer the
Penalties of
Perjury.

Form of
Notice of
Marriage.

III. Every Notice of Marriage which shall be given under the Provisions of any of the said recited Acts, or of this Act, after this Act shall have come into operation, shall be in the Form of Schedule (A.)
to

to this Act annexed, or to the like Effect; and in every Case where the Marriage is intended to be had and solemnized under the Provisions of the said recited Act of the Third and Fourth Years of Her Majesty, Chapter Seventy-two, such Notice shall, in addition to the several
 5 Particulars comprised in the said Schedule, contain the Declaration required to be made by One of the Parties to such intended Marriage, pursuant to the Second Section of the said last-mentioned Act.

IV. In case any Party shall intend Marriage without Licence
 10 under the Provisions of any of the said recited Acts or of this Act, the Superintendent Registrar to whom Notice of such intended Marriage has been given shall cause the Notice of Marriage, or a true and exact Copy thereof under the Hand of the Superintendent Registrar, to be suspended or affixed in some conspicuous Place in the Office of the
 15 said Superintendent Registrar during *Twenty-one* successive Days before any Marriage shall be solemnized in pursuance of such Notice, and after the Expiration of *Twenty-one* Days next after the Day of the Entry of such Notice in his "Marriage Notice Book" the Superintendent Registrar shall issue under his Hand, upon the Request of
 20 the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in Schedule (B.) to this Act annexed, provided that in the meantime no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superintendent Registrar, and provided the Issue of such Certificate shall not
 25 have been forbidden in the Manner provided by either of the said firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice was entered, and that the Issue of such Certificate has not been forbidden
 30 by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of *One Shilling*; and at any Time within *Three* Calendar Months of the giving of such Notice the intended Marriage may be solemnized under the Authority of the said Certificate.

Notice of Marriage without Licence to be affixed in Superintendent Registrar's Office.

V. In case of any Party intending Marriage by Licence under
 35 the Provisions of any of the said recited Acts, no Notice of such intended Marriage shall be suspended in the Office of the Superintendent Registrar, but any Party so intending Marriage by Licence under the Provisions of any of the said recited Acts or of this Act,
 40 shall be entitled to declare in Writing under his or her Hand, by Subscription or Endorsement on the Notice of such intended Marriage, that such Marriage is intended to be celebrated by Licence.

No Notice of Marriage by Licence to be suspended in the Office of the Superintendent Registrar.

In case of
Marriage by
Licence
Notice of
Marriage to
be given to
the Super-
intendent
Registrar of
only One
District.

VI. In any Case of Marriage intended to be solemnized by Licence under the Provisions of any of the said recited Acts or of this Act between Parties both of whom do not dwell in the same Superintendent Registrar's District, it shall not be required that Notice of such intended Marriage shall be given to more than One Superin- 5
tendent Registrar, but a Notice to the Superintendent Registrar of the District in which either of the Parties so intending Marriage resides shall be sufficient; and it shall not be required that the said Notice shall state how long each of the said Parties has resided in his or her Dwelling Place, but only how long the Party residing in the 10
District in which the Notice is given has so resided.

Notice of
Marriage
without
Licence
may be given
in Ireland,
if One of the
Parties
reside there.

VII. In every Case in which One of the Parties intending Marriage without Licence under the Provisions of any of the said recited Acts or of this Act shall dwell in Ireland, the Party so dwelling in Ireland shall give Notice in the Form there used in that 15
Behalf or to the like Effect to the Registrar of the District in Ireland within which such Party shall have dwelt for not less than *Seven* Days then next preceding, and shall state therein the Name and Surname and the Profession or Condition and Age of each of the Parties intending Marriage, and also the Dwelling Place of each of 20
them, and the Time, not being less than *Seven* Days, during which he or she shall have dwelt therein, and also the Church or other Building in which the Marriage is to be solemnized; provided, that if either Party shall have dwelt in the Place stated in the Notice as his or her Dwelling Place more than *One Month*, it may be 25
stated that he or she hath dwelt therein *One Month* and upwards; and such Notice shall be dealt with in the Manner and such Certificate for Marriage shall be given by such Registrar in the Mode respectively prescribed in an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, 30
Chapter Eighty-one, intituled "An Act for Marriages in Ireland, " and for registering such Marriages," as amended by another Act passed in the Session holden in the Ninth and Tenth Years of the same Reign, Chapter Seventy-two, intituled "An Act to amend
" the Act for Marriages in Ireland, and for registering such Marriages;" 35
provided, that in such Case the Certificate for Marriage shall not be issued before the Expiration of *Twenty-one* Days next after the Day of the Entry of such Notice, as in the first of the said Two last-men-
tioned Acts is provided; and from and after the issuing of such Certi-
ficate the Production of the same to any Person duly authorized under 40
the Provisions of this Act to solemnize a Marriage shall be as valid and effectual for authorizing such Person to solemnize such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in England would be under any or either of
the

the said Three firstly herein-before recited Acts if the Party giving such Notice were resident within such District, and the other Party to such intended Marriage were also resident within another Superintendent Registrar's District in England; and where Marriages have
 5 since the passing of the said Act for Marriages in Ireland, and for registering such Marriages, been solemnized in England between Parties, one of whom was resident in Ireland, under Certificates, of which one was the Certificate of the Registrar of the District in Ireland within which one of the Parties had dwelt for not less than
 10 *Seven Days*, and the other the Certificate of the Superintendent Registrar of the District in England within which the other Party had dwelt for not less than *Seven Days*, such Marriages are hereby declared to be and to have been valid in the same Manner as if the Parties had been respectively resident for not less than *Seven Days*
 15 in the respective Districts of Two Superintendent Registrars in England, and like Certificates had been issued by both such Superintendent Registrars.

VIII. Every Superintendent Registrar receiving Notice of an intended Marriage to be solemnized by Licence as aforesaid shall,
 20 after the Expiration of One whole Day next after the Day of the Entry of such Notice in his "Marriage Notice Book," issue under his Hand, upon the Request of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in Schedule (A.) to this Act annexed, and also a Licence to marry,
 25 provided that in the meantime no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superintendent Registrar, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the
 30 Particulars set forth in the said Notice, and the Day on which the same Notice was entered, and that the Issue of such Certificate has not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of *One Shilling*; and at any Time within *Three* Calendar Months of the giving of such Notice the intended Marriage may be solemnized under the Authority of the said Licence.

In Cases of Marriage by Licence, Certificates of the Notice thereof may be given by the Superintendent Registrar (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized.

IX. The Form of a Licence for Marriage so to be granted as
 40 aforesaid to any Party or Parties by the Superintendent Registrar of any District as aforesaid shall be in the Form or to the Effect of the Licence set forth in Schedule (C.) to this Act annexed; and for every such Licence the Superintendent Registrar granting the same shall be

Form of Licence to marry.

entitled to have and receive of the Party requiring the same the Sum of *One Pound Ten Shillings* over and above the Amount paid for the Stamps necessary on granting such Licence.

Mode of
solemnizing
Marriages in
registered
Buildings.

X. It shall be lawful for the Parties described in any Licence or Certificate for Marriage issued under the Provisions of any of the said 5 recited Acts, or of this Act, and they are hereby authorized to have their Marriage solemnized in the registered Building stated in such Licence or Certificate (as the Case may be) by the Minister who ordinarily officiates in such registered Building, or, with his Consent, by such other Minister as the Parties shall engage for the Purpose, 10 according to the Form and Ceremony (if any such there be) usually adopted or which shall have been prescribed for Adoption on the like Occasions at the said registered Building, or according to such Form or Ceremony as the Minister officiating at the said Marriage shall think fit to adopt; provided that in every Case, in some Part of the 15 Ceremony, the Parties shall respectively make the Declarations next herein-after prescribed; and if no Minister be present and willing to solemnize such Marriage according to such Form and Ceremony as aforesaid, then it shall be lawful for the Parties and they are hereby authorized to contract and solemnize the same in such 20 registered Building, according to the Form and in the Manner following:—

Each of the Parties intending Marriage shall, in the Presence of some Registrar of Marriages appointed for the District in which such registered Building is situated, and of Two or more credible 25 Witnesses, declare as follows; (that is to say,)

‘ I *A.B.* [*or C.D.*, as the Case may be] do solemnly declare, That
‘ I know not of any lawful Impediment why I may not be joined
‘ in Matrimony to *C.D.* [*or A.B.*, as the Case may be].’

And each of the said Parties shall further declare and say to the 30 other of them,

‘ I *A.B.* [*or C.D.*] call upon all Persons here present to witness,
That I do take thee *C.D.* [*or A.B.*] to be my lawful wedded
‘ Wife [*or Husband*, as the Case may be].’

Provided always, That every Marriage in a registered Building, 35 whether solemnized or contracted with or without a Minister, shall be so solemnized or contracted, with open Doors, between the Hours of *Eight* and *Twelve* in the Forenoon, but then only at such Time and in such Manner as not to cause any Interruption or Disturbance of the public Religious Worship or Instruction therein during the usual 40 Hours appropriated thereto in the said Building: Provided also, that
if

if at any Time before a Marriage, for which a Certificate or Licence shall have been obtained under this Act, shall be solemnized or contracted, the Minister or Registrar by or before whom the same shall be intended to be solemnized or contracted shall know or have
 5 any reasonable Ground for Belief that there is a lawful Impediment to such Marriage, it shall be lawful for such Minister or Registrar and he is hereby required to refrain from proceeding to or in the solemnizing or contracting thereof.

XI. The giving of Notice to the Superintendent Registrar, and
 10 the Issue of the Superintendent Registrar's Certificate, as in this Act provided, shall be used and stand in stead of the Publication of Banns to all Intents and Purposes where no such Publication shall have taken place; and every Parson, Vicar, Minister, or Curate in England shall solemnize Marriage after such Notice and Certificate as
 15 aforesaid in like Manner as after due Publication of Banns: Provided always, that where any Marriage shall be intended to be had and solemnized under the Provisions of any or either of the said Two first herein-before recited Acts or of this Act on the Production of the Superintendent Registrar's Certificate, according to the Rites of the
 20 Church of England, the Church or Chapel wherein any such Marriage shall be so solemnized shall be that of a Parish or Ecclesiastical District lying wholly or partly within the District of the Superintendent Registrar by whom such Certificate as aforesaid shall have been issued, and shall also be the Church or Chapel of the Parish or Ecclesiastical
 25 District within which One of the Parties to such Marriage resides; and for and in respect of every Marriage so solemnized the Officiating Minister shall be entitled to have and receive from the Parties married the like Fee as would have been payable to him in case such Marriage had been solemnized after due Publication of Banns.

XII. When any Marriage is intended to be solemnized by Licence under the Provisions of the before-recited Act of the Third and Fourth Years of Her Majesty, Chapter Seventy-two, in a registered Building situated in a District within which neither of the Parties resides, it shall be lawful for the Superintendent Registrar to whom Notice of
 30 such intended Marriage shall have been given to grant to the Party applying for the same a Licence for such Marriage to be solemnized in the registered Building stated in such Notice; and when any Marriage is intended to be solemnized under the Provisions of any of the before-recited Acts or of this Act in the usual Place of Worship
 40 of the Parties so intending Marriage, or One of them, and such Place of Worship shall be a registered Building situated out of the District of their, his, or her Residence, it shall be lawful for the Superintendent Registrar or respective Superintendent Registrars to whom Notice of

Marriages by Certificate according to the Rites of the Church of England.

Superintendent Registrar to whom Notice is given may grant Licence for Marriage (under 3 & 4 Vict. c. 72.) in a District in which neither of the Parties resides; and may also grant Licence or Certificate for Marriage

in the usual
Place of
Worship of
One of the
Parties.

such last-mentioned Marriage shall have been given to grant to the Party applying for the same a Licence or Certificate (as the Case may be) for such last-mentioned Marriage to be solemnized in the registered Building stated in such Notice, provided such Building be situated not more than *Two Miles* beyond the Limits of the District 5 in which the Notice of such Marriage has been given; and every Licence and Certificate granted in pursuance of this Enactment shall be as valid and effectual to all Intents and Purposes as if the same had been granted by the Superintendent Registrar of the District in which the registered Building wherein the Marriage is intended to be 10 solemnized is situated: Provided always, that in every Case where a Marriage is intended to be solemnized in the usual Place of Worship of the Parties or One of them, and such Place of Worship shall be a registered Building situated out of the District of their, his, or her Residence, the Party giving Notice of such last-mentioned Marriage 15 shall at the Time of giving the same state therein, in addition to the Description of the Building in which the Marriage is to be solemnized, that it is the usual Place of Worship of One of the Parties, and shall also state the Name of the Party whose usual Place of Worship it is. 20

Superin-
tendent
Registrar's
Presence at
Marriages in
the Register
Office to be
optional.

XIII. Every Marriage hereafter contracted and solemnized under the Provisions of any of the said recited Acts or of this Act at the Register Office of any District, in the Absence of the Superintendent Registrar thereof, shall be as good and valid to all Intents and Pur- 25 poses as if such Superintendent Registrar had been present thereat, provided the same be contracted and solemnized in the Presence of some Registrar of such District and of Two credible Witnesses, and in all other respects as provided in and by the said first-recited Act; provided also, that if at the Request of the Parties to any intended Marriage at a Register Office the Superintendent Registrar be present 30 thereat, he shall be entitled to have and receive before such Marriage, from the Parties married, a Fee of *Ten Shillings* if the Marriage be by Licence, and if it be without Licence a Fee of *Five Shillings*.

Superin-
tendent Re-
gistrar enti-
tled to a Fee,
if present.

In Districts
where the
Register
Office is
situated at a
Workhouse,
the Superin-
tendent Re-
gistrar may
provide a
Room else-
where for
the Purposes
of a Registrar

XIV. In and for every Superintendent Registrar's District wherein for the Time being the Register Office of such District consists of a 35 Room or Building forming Part of any Poor Law Union Workhouse or other Workhouse, or is situated within the Precincts of any Workhouse, it shall be lawful for the Superintendent Registrar of such District and he is hereby required to provide and appropriate, in some other suitable Locality, a fit Room or Rooms, to be approved by the 40 Registrar General, for conducting all the preliminary Proceedings relating to the contracting of Marriages under this Act, and also for the subsequent Solemnization thereof; and every Room which in any District

District shall be so provided and appropriated by the Superintendent Registrar, when approved by the Registrar General as aforesaid, shall for the Purposes of the said recited Acts and of this Act be deemed and taken to be, to all Intents and Purposes, Part and Parcel of the
 5 Register Office of such District.

Office, subject to the Approval of the Registrar General.

XV. The Registrar General shall have Power and he is hereby authorized from Time to Time to appoint by Writing under his Hand such Person or Persons as he may think fit, with such Qualifications as the said Registrar General by any general Rule shall
 10 have declared to be necessary, to be a Registrar or Registrars of Marriages within the District of any Superintendent Registrar; and every Appointment to be hereafter made by any Superintendent Registrar of any Person or Persons to be a Registrar or Registrars for the Purpose of being present at Marriages to be
 15 solemnized under and by virtue of any or either of the said recited Acts or of this Act shall be by Writing under the Hand of such Superintendent Registrar, and shall be subject to the Approval of the Registrar General.

Registrar General may appoint Registrars of Marriages; and Appointment of Registrars of Marriages by Superintendent Registrars to be subject to the Approval of the Registrar General.

XVI. Every Registrar of Marriages already appointed or hereafter
 20 to be appointed shall be and he is hereby empowered, subject to the Approval of the Registrar General, to appoint, by a Writing under his Hand, a fit Person to be and to act as his Deputy, whensoever he may be authorized or required so to do by any Regulation to be made by the Registrar General; and every such Deputy, while so acting,
 25 shall have all the Powers and Duties and be subject to all the Provisions and Penalties in the said recited Acts or any or either of them given, imposed, and contained concerning Registrars of Marriages; and every such Deputy shall hold his Office during the Pleasure of the Registrar by whom he was appointed, but shall be removable by
 30 the Registrar General; and every Registrar of Marriages shall be civilly responsible for the Acts and Omissions of his Deputy; and in case any Registrar of Marriages shall die, or otherwise cease to hold his Office, his Deputy shall become the Registrar of Marriages in his Place until the Appointment of another Registrar of Marriages shall
 35 have been made, and notified to him by the Superintendent Registrar or by the Registrar General, and shall, while continuing such Registrar, have the same Powers and Duties and be subject to the same Provisions and Penalties as any other Registrar of Marriages under this Act.

Registrar of Marriages may appoint a Deputy.

XVII. After any Marriage shall have been solemnized under the
 40 Authority of any of the said recited Acts or of this Act, it shall not be necessary in support of such Marriage to give any Proof of the actual Dwelling or of the Period of Dwelling of either of the Parties previous

Proof of the Observance of this Act and of the recited Acts, Matters not

necessarry to. to the Marriage within the District stated in any Notice of Marriage,
 the Validity or of the Consent of any Person whose Consent thereto is required by
 of Marriages. Law, that the Building registered for Marriages had been certified
 according to Law as a Place of Religious Worship, or that such
 Building was the usual Place of Worship of either of the Parties ; nor 5
 shall any Evidence be given to prove the contrary in any Suit or
 legal Proceedings touching the Validity of such Marriage ; and all
 Marriages which heretofore have been or which hereafter may be had
 or solemnized under the Authority of any of the said recited Acts or
 of this Act in any Building or Place of Worship which has been 10
 registered pursuant to the Provisions of the said Act, passed in the
 Sixth and Seventh Years of His late Majesty King William the
 Fourth, Chapter Eighty-five, but which may not have been certified as
 required by Law, shall be as valid in all respects as if such Place of
 Worship had been so certified. 15

Penalty on XVIII. Any Person who shall knowingly or wilfully make any
 making false false Declaration or sign any false Notice required by this Act
 Declaration, for the Purpose of procuring any Marriage, and every Person who
 or giving shall forbid the granting by any Superintendent Registrar of a
 false Notices. Certificate for Marriage by falsely representing himself or herself 20
 to be a Person whose Consent to such Marriage is required by Law,
 knowing such Representation to be false, shall suffer the Penalties
 of Perjury.

In case of XIX. If any valid Marriage shall be had under the Provisions of
 fraudulent this or any of the recited Acts by means of any wilfully false Oath, 25
 Marriages, solemn Affirmation, Notice, or Certificate, made or obtained by either
 the guilty Party to such Marriage, as to any Matter in which a solemn Affir-
 Party to for- mation, Declaration, Notice, or Certificate is required, it shall be
 feit all Pro- lawful for Her Majesty's Attorney General or Solicitor General to
 perty accru- sue for a Forfeiture of all the Estate and Interest in any Property 30
 ing from the Marriage, as lawful for Her Majesty's Attorney General or Solicitor General to
 in 4 Geo. 4. sue for a Forfeiture of all the Estate and Interest in any Property
 c. 76. accruing to the offending Party by such Marriage, and the Pro-
 ceedings thereupon and the Consequences thereof shall be the same
 as are provided in the like Case with regard to Marriages solemnized
 by Licence between Parties under Age according to the Rites of the
 Church of England in the Statute passed in the Fourth Year of 35
 the Reign of His late Majesty King George the Fourth, Chapter
 Seventy-six.

Provisions XX. Except where the Provisions of the said recited Acts are
 as to existing expressly altered by or are at variance with the Provisions of this Act,
 Acts. nothing herein contained shall alter, repeal, or affect, or be construed 40
 so as in any Manner to alter, repeal, or affect any of the several
 Provisions and Clauses contained in the same Acts or any of them,
 but,

but, except as aforesaid, the same Provisions and Clauses respectively shall be and remain in full Force and Effect as if this Act had not been passed, and this Act shall, except as aforesaid, be considered as incorporated with the same Provisions and Clauses, and be construed
 5 in connexion therewith: Provided that, save as herein-after mentioned, none of the Provisions of this Act shall limit or alter, or be construed to limit or alter, the Privileges of Persons belonging to the Society of Friends commonly called Quakers, or of Persons professing the Jewish Religion, or impose on either of such Bodies
 10 any Obligations beyond such as are enacted in either of the said recited Acts.

XXI. Any Marriage according to the Usages of the Society of Friends commonly called Quakers or to the Usages of Persons professing the Jewish Religion respectively, where the Parties thereto
 15 are both Members of the said Society or both Persons professing the Jewish Religion respectively, may be solemnized by Licence (which Licence the Superintendent Registrar to whom Notice of the intended Marriage shall have been given is hereby authorized to grant, in the Form or to the Effect set forth in the said Schedule (C.) to this Act annexed), as effectually in all respects as if such Marriage were solemnized
 20 after the Issue of a Certificate by such Superintendent Registrar in the Manner provided by said recited Acts or any of them; and the Provisions in this present Act contained in relation to the Affirmation or Oath and Declaration to be made by the Party intending Marriage,
 25 and to the Subscription or Endorsement on the Notice of such intended Marriage that such Marriage is intended to be celebrated by Licence, and to the Notice to be given of any such intended Marriage by Licence, and to the giving of Certificates in the Form or to the Effect set forth in Schedule (A.) to this Act, and to the Fee
 30 and Stamp to be paid for such Licence, shall be applicable in all respects to every such Marriage to be solemnized by Licence according to the Usages of the said Society or to the Usages of Persons professing the Jewish Religion respectively.

XXII. The Registrar General shall furnish or cause to be
 35 furnished to every Person whom Twenty Householdors shall certify in Writing under their Hands to the Registrar General to be the Secretary of a Synagogue in England of Persons professing the Jewish Religion, which has been used by such Householdors during One Year at the least as their usual Place of public Religious Worship,
 40 a sufficient Number in Duplicate of Marriage Register Books and Forms for certified Copies thereof; and every Secretary of a Synagogue to whom such Books and Forms shall be furnished under this Act shall perform the same Duties in relation to the Registration of

Marriages of Quakers or Jews may be solemnized by Licence.

Registrar General to furnish to Secretaries of Synagogues Marriage Register Books and Forms.

Marriages between Persons professing the Jewish Religion, as under an Act passed in the Session of Parliament held in the Sixth and Seventh Years of His late Majesty William the Fourth, Chapter Eighty-six, intituled "An Act for registering Births, Deaths, and " Marriages in England," are to be performed by the Secretary of a 5 Synagogue to whom Marriage Register Books, and Forms for certified Copies thereof, have been or shall be furnished under that Act.

Marriages
under this
Act good and
cognizable.

XXIII. Every Marriage solemnized under any of the recited Acts or of this Act shall be good and cognizable in like Manner as 10 Marriages before the passing of the first-recited Act according to the Rites of the Church of England.

Recites the
Act of
15 & 16 Vict.
c. 36.

XXIV. And whereas in pursuance of an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, intituled "An Act to amend the Law relating 15 " to the certifying and registering Places of Religious Worship of " Protestant Dissenters," the Registrars of the several Dioceses and Archdeaconries, and the Clerks of the Peace of the several Counties, Ridings, Divisions, Cities, and Boroughs in England and Wales did, in the Year One thousand eight hundred and fifty-two, make and transmit to the Registrar General of Births, Deaths, and Marriages 20 in England as thereby required, duly verified Returns of all Places within the Limits of their respective Jurisdictions, which previous to and up to the Time of the passing of the last-mentioned Act had been certified and registered or recorded according to Law as Places of Meeting for Religious Worship: And whereas the total Number of 25 such Places of Meeting so returned to the said Registrar General pursuant to the Provisions of the said Act is Fifty-four thousand eight hundred and four, and it is expedient that for facilitating the Proof of such Places having been duly certified and registered or recorded as aforesaid the Registrar General should be empowered by Law to allow 30 Searches to be made in the said Returns, and to give certified Copies thereof and Extracts therefrom: Be it further enacted, as follows:

Registrar
General
to allow
Searches and
give Extracts
from the
Returns of
certified
Places of
Worship
made to him
pursuant
thereto, on
Payment of
specified
Fees.

The Registrar General, on Payment to him of the several Fees herein-after mentioned, shall allow Searches to be made in the Returns 35 so made to him as aforesaid, and shall give to any Person demanding the same a certified Copy thereof or Extract therefrom with respect to any Place of Meeting for Religious Worship contained therein; and every such certified Copy or Extract shall be sealed or stamped with the Seal of the General Register Office, and when so sealed or stamped as aforesaid, if tendered in Evidence upon any Trial or other 40 judicial Proceeding in any Civil or Criminal Court, shall be received as Evidence of the Place of Meeting therein mentioned or described having been at the Time in that Behalf therein stated duly certified and

and registered or recorded as by Law required without any further or other Proof of the same; and the Registrar General shall be entitled to demand and receive for every Search in the said Returns extending over a Period of not more than Ten Years the Sum of 5 *One Shilling*, and for every additional Period of Ten Years the Sum of *Sixpence*; and the further Sum of *Two Shillings and Sixpence* for every single certified Copy or Extract.

XXV. Save as herein expressly provided, this Act shall not extend to Ireland or Scotland.

Act not to
extend to
Ireland or
Scotland.

10 XXVI. This Act shall come into operation on the *First Day of January One thousand eight hundred and fifty-seven*, and none of the Provisions thereof shall take effect previous to that Day.

Commence-
ment of Act.

SCHEDULES.

SCHEDULE (A).

Form of Notice of Marriage.

To the Superintendent Registrar of the District of *Tunbridge* in the County of *Kent*.

I, the undersigned *James Smith*, hereby give you Notice, That a Marriage is intended to be had *by* Licence within Three Calendar Months from the Date hereof between me and the other Party herein named and described; (that is to say,)

Name and Surname.	Con- dition.	Rank or Profession.	Age.	Dwelling Place.	Length of Resi- dence.	Church or Building in which the Marriage is to be solemnized.	District and County in which the Parties respectively dwell.
<i>James Smith</i>	<i>Widower</i>	<i>Ironmonger</i>	<i>Twenty- five Years</i>	<i>16, High-St., Hendon, Middlesex.</i>		<i>Sion Chapel, West Street, Tunbridge, Kent.</i>	<i>Hendon, Middlesex.</i>
<i>Martha Green</i>	<i>Spinster</i>		<i>Nineteen Years</i>	<i>Grove Farm, Tunbridge, Kent.</i>	<i>More than a Month.</i>		<i>Tunbridge, Kent.</i>

And I hereby solemnly declare, That I believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that *she*, the above-named *Martha Green*, hath for the Space of *Fifteen* Days immediately preceding the giving of this Notice had *her* usual Place of Abode and Residence within the above-mentioned District of *Tunbridge*.

And I further declare, That the said *Martha Green* is not a Widow, and that *she* is a Minor under the Age of Twenty-one Years, and that the Consent of *George Kilpin*, whose Consent to *her* Marriage is required by Law, has been duly given and obtained thereto [*or* “that there is no Person whose Consent to *her* Marriage is by Law required” (*as the Case may be*)].

And

SCHEDULE (B.)

Form of Superintendent Registrar's Certificate.

I, John Cox, Superintendent Registrar of the District of
in the County of do hereby certify, That on the
Day of 185 , Notice was
duly entered in the Marriage Notice Book of the said District of the
Marriage intended between the Parties therein named and described,
and of such Marriage being intended to be solemnized by Licence,
delivered under the Hand of John Smith, One of the Parties; (that
is to say,)

Name.	Con- dition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence of one of the Parties.	Church or Building in which the Marriage is to be solemnized.	District and County in which the other Party dwells, where the Parties dwell in different Districts.
John Smith	Widower	Carpenter	Of full Age.	16, High-st., Tunbridge.	Fifteen Days	Sion Chapel, West Street, Stepney, Middlesex.	
Martha Green	Spinster		Minor	Grove Farm, Stepney, Middlesex.			Stepney, Middlesex.

Date of Entry of Notice,
May 185 . } The Issue of this Certificate has not been
Date of Certificate given,
May 185 . } forbidden by any Person authorized to
forbid the Issue thereof.

Witness my Hand, this _____ Day of May
185 .

(Signed) *John Cox,*
Superintendent Registrar.

This Certificate will be void unless the Marriage is solemnized on
or before the Day of 18 .

SCHE.

SCHEDULE (C.)

Form of Superintendent Registrar's Licence for Marriage.

To *James Smith*, of 16, *High Street, Hendon* in the County of *Middlesex*, *Widower*, and *Martha Green*, of *Grove Farm, Tunbridge*, in the County of *Kent*, *Spinster*, I, the undersigned Superintendent Registrar of the District of *Tunbridge* in the said County of *Kent*, send Greeting:—

WHEREAS in pursuance of some or one of the Statutes next hereinafter mentioned made and now in force concerning the contracting and solemnizing of Marriages in England; (that is to say,) an Act passed in the Seventh Year of His late Majesty King William the Fourth, Chapter 85.; an Act passed in the First Year of Her present Majesty, Chapter 22.; an Act passed in the Fourth Year of Her said Majesty, Chapter 72.; and an Act passed in the Year of Her said Majesty, Chapter ; you, the above-mentioned *James Smith* and *Martha Green* have given due Notice of your Intention to enter into a Contract of Marriage, and are desirous that such Marriage should be speedily performed: And whereas it has been made to appear to my Satisfaction that in regard to your said intended Marriage you have severally in all respects complied with the Provisions and Requirements of the above-mentioned Statutes, so far as such Provisions and Requirements are applicable to and binding upon you or either of you, and no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage being shown to exist: Now therefore I, the said Superintendent Registrar, by virtue of the Power and Authority vested in me in that Behalf, do hereby grant unto you, the aforesaid *James Smith* and *Martha Green*, full Licence and Permission to proceed in due Form of Law to contract and solemnize such Marriage at *Sion Chapel, West Street, Tunbridge, Kent*, within Three Calendar Months next following the Day of

185 .

Witness my Hand this

Day of 185 .

John Cox,

Superintendent Registrar of the
above-mentioned District.

Disenters Marriages.

A

B I L L

To amend the Provisions of the Marriage
Acts relating to Disenters.

(Prepared and brought in by
Mr. Pellatt, Mr. Cheetham, and Mr. Hadfield.)

*Ordered, by The House of Commons, to be Printed,
7 February 1856.*

[Bill 23.]

Under 3 oz.

Dissenters Marriages Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble.

No Notice of Marriage to be read or published before Poor Law Guardians, or transmitted to the Clerk of such Guardians; Sect. 1.

Every Notice of Marriage to be accompanied by a solemn Declaration, by One of the Parties, that there is no lawful Hindrance to such Marriage, &c. Persons making wilfully false Declarations to suffer the Penalties of Perjury; 2.

Form of Notice of Marriage; 3.

Notice of Marriage without Licence to be affixed in Superintendent Registrar's Office; 4.

Notice of Marriage by Licence not to be suspended in the Office of the Superintendent Registrar; 5.

In case of Marriage by Licence, Notice of Marriage to be given to the Superintendent Registrar of only One District; 6.

Notice of Marriage without Licence may be given in Ireland, if One of the Parties reside there; 7.

Certificate of Proclamation of Banns in Scotland as to Party resident there equivalent to Superintendent Registrar's Certificate; 8.

In Cases of Marriage by Licence, Certificate of the Notice thereof may be given by the Superintendent Registrar (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized; 9.

Form of Licence to marry; 10.

Mode of solemnizing Marriages in registered Buildings; 11.

Marriages by Certificate according to the Rites of the Church of England; 12.

Superintendent Registrar to whom Notice is given may grant Licence for Marriage (under 3 & 4 Vict. c. 72.) in a District in which neither of the Parties resides; and may also grant Licence or Certificate for Marriage in the usual Place of Worship of One of the Parties; 13.

Superintendent Registrar's Presence at Marriages in the Register Office to be optional. Superintendent Registrar entitled to a Fee, if present; 14.

[Bill 93.]

A

In

In Districts where the Register Office is situated at a Workhouse, the Superintendent Registrar may provide a Room elsewhere for the Purposes of a Register Office, subject to the Approval of the Registrar General; 15.

Registrar General may appoint Registrars of Marriages; and Appointment of Registrars of Marriages by Superintendent Registrars to be subject to the Approval of the Registrar General; 16.

Registrar of Marriages may appoint a Deputy; 17.

Proof of the Observance of this Act and of the recited Acts, Matters not necessary to the Validity of Marriages; 18.

Penalty on making false Declaration, or giving false Notice; 19.

In case of fraudulent Marriages the guilty Party to forfeit all Property accruing from the Marriage, as in 4 Geo. 4. c. 76.; 20.

Provisions as to existing Acts; 21.

Marriages of Quakers or Jews may be solemnized by Licence; 22.

Registrar General to furnish to Secretaries of Synagogues Marriage Register Books and Forms; 23.

Marriages under this Act good and cognizable; 24.

Recites the Act of 15 & 16 Vict. c. 36. Registrar General to allow Searches and give Extracts from the Returns of certified Places of Worship made to him pursuant thereto, on Payment of specified Fees; 25.

Act not to extend to Ireland or Scotland; 26.

Commencement of Act; 27.

SCHEDULES.

9 April 1856. 19 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Provisions of the Marriage Acts
relating to Dissenters.

WHEREAS an Act was passed in the Session holden in the Preamble.
Sixth and Seventh Years of the Reign of King William the
Fourth, Chapter Eighty-five, intituled "An Act for Mar- 6 & 7 W. 4.
"riages in England;" and another Act was passed in the First Year c. 85.
5 of the Reign of Her Majesty, Chapter Twenty-two, intituled "An 1 Vict. c. 22.
" Act to explain and amend Two Acts, passed in the last Session of
" Parliament, for Marriages, and for registering Births, Deaths, and
" Marriages in England;" and another Act was passed in the Session
holden in the Third and Fourth Years of Her Majesty, Chapter
10 Seventy-two, intituled "An Act to provide for the Solemnization of 3 & 4 Vict.
" Marriages in the District in or near to which the Parties reside:" c. 72.
And whereas it is expedient to alter and amend the Provisions of the
said recited Acts, so far as is herein-after provided: Be it therefore
enacted by the Queen's most Excellent Majesty, by and with the
15 Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, as follows:

1. In case of any Party intending Marriage under the Provisions of
any of the said recited Acts, no Notice of such intended Marriage
20 shall be read or published before the Guardians of any Poor Law
[Bill 93.] A 2 Union

No Notice of
Marriage to
be read or
published
before Poor
Law Guar-
dians, or be

transmitted
to the Clerk
of such
Guardians.

Union or Parish or Place, or be transmitted by any Superintendent Registrar to the Clerk of any such Guardians.

Every Notice
of Marriage
to be accom-
panied by a
solemn De-
claration, by
One of the
Parties, that
there is no
lawful Hin-
drance to
such Mar-
riage, &c.

II. In case any Party shall intend Marriage under the Provisions of any of the said recited Acts, or of this Act, the Party so intending Marriage shall, at the Time of giving to the Superintendent Registrar 5 or respective Superintendent Registrars, as the Case may be, the Notice required by the said recited Acts or either of them, make and sign or subscribe a solemn Declaration in Writing in the Body of such Notice, that he or she believes that there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Mar- 10 riage, and that One of the said Parties hath for the Space of Seven Days (in case the said Marriage is intended to be had without Licence) or for the Space of Fifteen Days (if such Marriage is intended to be had by Licence) immediately preceding the giving of such Notice had his or her usual Place of Abode and Residence 15 within the District of the Superintendent Registrar to whom such Notice shall be so given; and when either of the Parties intending Marriage, and not being a Widower or Widow, shall be under the Age of Twenty-one Years, the Party making such Declaration shall further declare that the Consent of the Person or Persons whose 20 Consent to such Marriage is by Law required has been given, or (as the Case may be) that there is no Person whose Consent to such Marriage is by Law required; and every Declaration so made as aforesaid shall be signed and subscribed, by the Party making the same, in the Presence of the Superintendent Registrar, or either of the 25 Superintendent Registrars if more than One, to whom the Notice of Marriage containing such Declaration is given, or in the Presence of his Deputy, or of some Registrar of Births and Deaths or of Marriages for the District in which the Party giving such Notice resides, or of the Deputy of such Registrar, or otherwise in the Presence of 30 Two credible Witnesses, being severally Householdiers resident within the same District, who shall respectively attest the same by adding thereto his or her Name, Description, and Place of Abode; and no Certificate or Licence for Marriage shall be issued or granted pursuant to any such Notice as aforesaid unless the said Notice be accompanied 35 by such solemn Declaration duly made and signed or subscribed and attested as aforesaid; and every Person who shall knowingly or wilfully make and sign or subscribe any false Declaration, or who shall sign any false Notice for the Purpose of procuring any Marriage under the Provisions of any of the said recited Acts, or of this Act, shall 40 suffer the Penalties of Perjury.

Persons
making wil-
fully false
Declarations
to suffer the
Penalties of
Perjury.

Form of
Notice of
Marriage.

III. Every Notice of Marriage which shall be given under the Provisions of any of the said recited Acts, or of this Act, after this Act shall

shall have come into operation, shall be in the Form of Schedule (A.) to this Act annexed, or to the like Effect; and in every Case where the Marriage is intended to be had and solemnized under the Provisions of the said recited Act of the Third and Fourth Years of Her Majesty,

5 Chapter Seventy-two, such Notice shall, in addition to the several Particulars comprised in the said Schedule, contain the Declaration required to be made by One of the Parties to such intended Marriage, pursuant to the Second Section of the said last-mentioned Act.

10 IV. In case any Party shall intend Marriage without Licence under the Provisions of any of the said recited Acts or of this Act, the Superintendent Registrar to whom Notice of such intended Marriage has been given shall cause the Notice of Marriage, or a true and exact Copy thereof under the Hand of the Superintendent Registrar, to be
 15 suspended or affixed in some conspicuous Place in the Office of the said Superintendent Registrar during Twenty-one successive Days before any Marriage shall be solemnized in pursuance of such Notice, and after the Expiration of Twenty-one Days next after the Day of the Entry of such Notice in his "Marriage Notice Book" the Super-
 20 intendent Registrar shall issue under his Hand, upon the Request of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in Schedule (B.) to this Act annexed, provided that in the meantime no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superin-
 25 tendent Registrar, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice
 30 was entered, and that the Issue of such Certificate has not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of One Shilling; and at any Time within Three Calendar Months next after the Day of the Entry of such Notice the intended Marriage may be solemnized under the
 35 Authority of the said Certificate.

Notice of Marriage without Licence to be affixed in Superintendent Registrar's Office.

V. In case of any Party intending Marriage by Licence under the Provisions of any of the said recited Acts or of this Act, Notice of such intended Marriage shall not be suspended in the Office
 40 of the Superintendent Registrar, but the Party giving the same shall state therein that such Marriage is intended to be celebrated by Licence.

Notice of Marriage by Licence not to be suspended in the Office of the Superintendent Registrar.

In case of
Marriage by
Licence
Notice of
Marriage to
be given to
the Super-
intendent
Registrar of
only One
District.

VI. In any Case of Marriage intended to be solemnized by Licence under the Provisions of any of the said recited Acts or of this Act between Parties both of whom do not dwell in the same Superintendent Registrar's District, it shall not be required that Notice of such intended Marriage shall be given to more than One Superin- 5
tendent Registrar, but a Notice to the Superintendent Registrar of the District in which either of the Parties so intending Marriage resides shall be sufficient; and it shall not be required that the said Notice shall state how long each of the said Parties has resided in his or her Dwelling Place, but only how long the Party residing in the 10
District in which the Notice is given has so resided.

Notice of
Marriage
without
Licence
may be given
in Ireland,
if One of the
Parties
reside there.

VII. In every Case in which One of the Parties intending Marriage without Licence under the Provisions of any of the said recited Acts or of this Act shall dwell in Ireland, the Party so dwelling in Ireland shall give Notice in the Form there used in that 15
Behalf or to the like Effect to the Registrar of the District in Ireland within which such Party shall have dwelt for not less than Seven Days then next preceding, and shall state therein the Name and Surname and the Profession or Condition and Age of each of the Parties intending Marriage, and also the Dwelling Place of each of 20
them, and the Time, not being less than Seven Days, during which he or she shall have dwelt therein, and also the Church or other Building in which the Marriage is to be solemnized; provided, that if either Party shall have dwelt in the Place stated in the Notice as his or her Dwelling Place more than One Month, it may be 25
stated that he or she hath dwelt therein One Month and upwards; and such Notice shall be dealt with in the Manner and such Certificate for Marriage shall be given by such Registrar in the Mode respectively prescribed in an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, 30
Chapter Eighty-one, intituled "An Act for Marriages in Ireland, " and for registering such Marriages," as amended by another Act passed in the Session holden in the Ninth and Tenth Years of the same Reign, Chapter Seventy-two, intituled "An Act to amend
" the Act for Marriages in Ireland, and for registering such Marriages;" 35
provided, that in such Case the Certificate for Marriage shall not be issued before the Expiration of Twenty-one Days next after the Day of the Entry of such Notice, as in the first of the said Two last-men-
tioned Acts is provided; and from and after the issuing of such Certi- 40
ficate the Production of the same to any Person duly authorized under the Provisions of this Act to solemnize a Marriage shall be as valid and effectual for authorizing such Person to solemnize such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in England would be under any or either of
the

the said Three firstly herein-before recited Acts if the Party giving such Notice were resident within such District, and the other Party to such intended Marriage were also resident within another Superintendent Registrar's District in England; and where Marriages have since the passing of the said Act for Marriages in Ireland, and for registering such Marriages, been solemnized in England between Parties, one of whom was resident in Ireland, under Certificates, of which one was the Certificate of the Registrar of the District in Ireland within which one of the Parties had dwelt for not less than Seven Days, and the other the Certificate of the Superintendent Registrar of the District in England within which the other Party had dwelt for not less than Seven Days, such Marriages are hereby declared to be and to have been valid in the same Manner as if the Parties had been respectively resident for not less than Seven Days in the respective Districts of Two Superintendent Registrars in England, and like Certificates had been issued by both such Superintendent Registrars.

VIII. When any Party intending Marriage without Licence under the Provisions of any of the said recited Acts or this Act shall dwell in Scotland, a Certificate of Proclamation of Banns in Scotland under the Hand of the Session Clerk of the Parish in which such Proclamation shall have been made shall, when produced to any Person duly authorized under the Provisions of this Act to solemnize a Marriage, be as valid and effectual for authorizing such Person to solemnize such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in England would be, under any or either of the said Three firstly-recited Acts, in reference to a Party resident within such District.

Certificate of Proclamation of Banns in Scotland as to Party resident there equivalent to Superintendent Registrar's Certificate.

IX. Every Superintendent Registrar receiving Notice of an intended Marriage to be solemnized by Licence as aforesaid shall, after the Expiration of One whole Day next after the Day of the Entry of such Notice in his "Marriage Notice Book," issue under his Hand, upon the Request of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in the said Schedule (B.) to this Act annexed, and also a Licence to marry, provided that in the meantime no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superintendent Registrar, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice was entered, and that the Issue of such Certificate has

In Cases of Marriage by Licence, Certificate of the Notice thereof may be given by the Superintendent Registrar (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized.

not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of One Shilling; and at any Time within Three Calendar Months next after the Day of the Entry of such Notice the intended Marriage may be solemnized under 5 the Authority of the said Licence.

Form of
Licence to
marry.

X. The Form of a Licence for Marriage so to be granted as aforesaid to any Party or Parties by the Superintendent Registrar of any District as aforesaid shall be in the Form or to the Effect of the Licence set forth in Schedule (C.) to this Act annexed; and for every 10 such Licence the Superintendent Registrar granting the same shall be entitled to have and receive of the Party requiring the same the Sum of One Pound Ten Shillings over and above the Amount paid for the Stamps necessary on granting such Licence.

Mode of
solemnizing
Marriages in
registered
Buildings.

XI. It shall be lawful for the Parties described in any Licence or 15 Certificate for Marriage issued under the Provisions of any of the said recited Acts, or of this Act, and they are hereby authorized to have their Marriage solemnized in the registered Building stated in such Licence or Certificate (as the Case may be) by the Minister who ordinarily officiates in such registered Building, or, with his Consent, 20 by such other Minister as the Parties shall engage for the Purpose, according to the Form and Ceremony (if any such there be) usually adopted or which shall have been prescribed for Adoption on the like Occasions at the said registered Building, or according to such Form or Ceremony as the Minister officiating at the said Marriage shall 25 think fit to adopt; provided that in every Case, in some Part of the Ceremony, the Parties shall respectively make the Declarations next herein-after prescribed; and if no Minister be present and willing to solemnize such Marriage according to such Form and Ceremony as aforesaid, then it shall be lawful for the Parties and they are 30 hereby authorized to contract and solemnize the same in such registered Building, according to the Form and in the Manner following:—

Each of the Parties intending Marriage shall, in the Presence of some Registrar of Marriages appointed for the District in which such 35 registered Building is situated, and of Two or more credible Witnesses, declare as follows; (that is to say,)

‘ I A.B. [or C.D., as the Case may be] do solemnly declare, That
‘ I know not of any lawful Impediment why I may not be joined
‘ in Matrimony to C.D. [or A.B., as the Case may be].’ 40

And

And each of the said Parties shall further declare and say to the other of them,

‘ I A.B. [or C.D.] call upon all Persons here present to witness,
That I do take thee C.D. [or A.B.] to be my lawful wedded
5 ‘ Wife [or Husband, as the Case may be].’

Provided always, That every Marriage in a registered Building, whether solemnized or contracted with or without a Minister, shall be so solemnized or contracted, with open Doors, between the Hours of Eight and Twelve in the Forenoon, but then only at such Time and in
10 such Manner as not to cause any Interruption or Disturbance of the public Religious Worship or Instruction therein during the usual Hours appropriated thereto in the said Building: Provided also, that if at any Time before a Marriage, for which a Certificate or Licence shall have been obtained under this Act, shall be solemnized or
15 contracted, the Minister or Registrar by or before whom the same shall be intended to be solemnized or contracted shall know or have any reasonable Ground for Belief that there is a lawful Impediment to such Marriage, it shall be lawful for such Minister or Registrar and he is hereby required to refrain from proceeding to or in the
20 solemnizing or contracting thereof.

XII. The giving of Notice to the Superintendent Registrar, and the Issue of the Superintendent Registrar's Certificate, as in this Act provided, shall be used and stand in stead of the Publication of Banns to all Intents and Purposes where no such Publication shall
25 have taken place; and every Parson, Vicar, Minister, or Curate in England shall solemnize Marriage after such Notice and Certificate as aforesaid in like Manner as after due Publication of Banns: Provided always, that if at any Time before a Marriage after such Notice and Certificate as aforesaid shall be solemnized the Officiating Minister
30 by whom the same shall be intended to be solemnized shall know or have any reasonable Ground for Belief that there is a lawful Impediment to such Marriage, it shall be lawful for such Minister and he is hereby required to refrain from proceeding to or in the Solemnization thereof: Provided also, that where any Marriage shall be intended to
35 be had and solemnized under the Provisions of any or either of the said Two first herein-before recited Acts or of this Act on the Production of the Superintendent Registrar's Certificate, according to the Rites of the Church of England, the Church or Chapel wherein any such Marriage shall be so solemnized shall be that of a Parish or Ecclesiastical
40 District lying wholly or partly within the District of the Superintendent Registrar by whom such Certificate as aforesaid shall have been issued, and shall also be the Church or Chapel of the Parish or Ecclesiastical District within which One of the Parties to such Marriage resides;

[93.]

B

and

Marriages
by Certificate
according to
the Rites of
the Church
of England.

and for and in respect of every Marriage so solemnized the Officiating Minister shall be entitled to have and receive from the Parties married the like Fee as would have been payable to him in case such Marriage had been solemnized after due Publication of Banns.

Superintendent Registrar to whom Notice is given may grant Licence for Marriage (under 3 & 4 Vict. c. 72.) in a District in which neither of the Parties resides; and may also grant Licence or Certificate for Marriage in the usual Place of Worship of One of the Parties.

XIII. When any Marriage is intended to be solemnized between 5 Parties not of the Society of Friends commonly called Quakers, or not professing the Jewish Religion, by Licence under the Provisions of the before-recited Act of the Third and Fourth Years of Her Majesty, Chapter Seventy-two, in a registered Building situated in a District within which neither of the Parties resides, it shall 10 be lawful for the Superintendent Registrar to whom Notice of such intended Marriage shall have been given to grant to the Party applying for the same a Licence for such Marriage to be solemnized in the registered Building stated in such Notice; and when any Marriage is intended to be solemnized under the Provisions of any of 15 the before-recited Acts or of this Act in the usual Place of Worship of the Parties so intending Marriage, or One of them, and such Place of Worship shall be a registered Building situated out of the District of their, his, or her Residence, it shall be lawful for the Superintendent Registrar or respective Superintendent Registrars to whom Notice of 20 such last-mentioned Marriage shall have been given to grant to the Party applying for the same a Licence or Certificate (as the Case may be) for such last-mentioned Marriage to be solemnized in the registered Building stated in such Notice, provided such Building be situated not more than Two Miles beyond the Limits of the District 25 in which the Notice of such Marriage has been given; and every Licence and Certificate granted in pursuance of this Enactment shall be as valid and effectual to all Intents and Purposes as if the same had been granted by the Superintendent Registrar of the District in which the registered Building wherein the Marriage is intended to be 30 solemnized is situated: Provided always, that in every Case where a Marriage is intended to be solemnized in the usual Place of Worship of the Parties or One of them, and such Place of Worship shall be a registered Building situated out of the District of their, his, or her Residence, the Party giving Notice of such last-mentioned Marriage 35 shall at the Time of giving the same state therein, in addition to the Description of the Building in which the Marriage is to be solemnized, that it is the usual Place of Worship of One of the Parties, and shall also state the Name of the Party whose usual Place of Worship it is.

40

Superintendent Registrar's Presence at

XIV. Every Marriage hereafter contracted and solemnized under the Provisions of any of the said recited Acts or of this Act at the Register Office of any District, in the Absence of the Superintendent Registrar

Registrar thereof, shall be as good and valid to all Intents and Purposes as if such Superintendent Registrar had been present thereat, provided the same be contracted and solemnized in the Presence of some Registrar of Marriages acting in and for such District and of

Marriages in the Register Office to be optional.

- 5 Two credible Witnesses, and in all other respects according to such Form and Ceremony as in and by the Twentieth Section of the said first-recited Act are prescribed and directed to be used on the Solemnization of Marriage in a registered Building: Provided also, that if at the Request of the Parties to any intended Marriage at a Register
10 Office the Superintendent Registrar be present thereat, he shall be entitled to have and receive before such Marriage, from the Parties married, a Fee of Ten Shillings if the Marriage be by Licence, and if it be without Licence a Fee of Five Shillings.

Superintendent Registrar entitled to a Fee, if present.

- XV. In and for every Superintendent Registrar's District wherein
15 for the Time being the Register Office of such District consists of a Room or Building forming Part of any Poor Law Union Workhouse or other Workhouse, or is situated within the Precincts of any Workhouse, it shall be lawful for the Superintendent Registrar of such District and he is hereby required to provide and appropriate, in some
20 other suitable Locality, a fit Room or Rooms, to be approved by the Registrar General, for conducting all the preliminary Proceedings relating to the contracting of Marriages under this Act, and also for the subsequent Solemnization thereof; and every Room which in any District shall be so provided and appropriated by the Superintendent
25 Registrar, when approved by the Registrar General as aforesaid, shall for the Purposes of the said recited Acts and of this Act be deemed and taken to be, to all Intents and Purposes, Part and Parcel of the Register Office of such District.

In Districts where the Register Office is situated at a Workhouse, the Superintendent Registrar may provide a Room elsewhere for the Purposes of a Register Office, subject to the Approval of the Registrar General.

- XVI. The Registrar General shall have Power and he is hereby
30 authorized from Time to Time to appoint by Writing under his Hand such Person or Persons as he may think fit, with such Qualifications as the said Registrar General by any general Rule shall have declared to be necessary, to be a Registrar or Registrars of Marriages within the District of any Superintendent Registrar;
35 and every Appointment to be hereafter made by any Superintendent Registrar of any Person or Persons to be a Registrar or Registrars for the Purpose of being present at Marriages to be solemnized under and by virtue of any or either of the said recited Acts or of this Act shall be by Writing under the Hand of such
40 Superintendent Registrar, and shall be subject to the Approval of the Registrar General.

Registrar General may appoint Registrars of Marriages; and Appointment of Registrars of Marriages by Superintendent Registrars to be subject to the Approval of the Registrar General.

Registrar of
Marriages
may appoint
a Deputy.

XVII. Every Registrar of Marriages already appointed or hereafter to be appointed shall be and he is hereby empowered, subject to the Approval of the Registrar General, to appoint, by a Writing under his Hand, a fit Person to be and to act as his Deputy, whensoever he may be authorized or required so to do by any Regulation to be made 5 by the Registrar General; and every such Deputy, while so acting, shall have all the Powers and Duties and be subject to all the Provisions and Penalties in the said recited Acts or any or either of them given, imposed, and contained concerning Registrars of Marriages; and every such Deputy shall hold his Office during the Pleasure of 10 the Registrar by whom he was appointed, but shall be removable by the Registrar General; and every Registrar of Marriages shall be civilly responsible for the Acts and Omissions of his Deputy; and in case any Registrar of Marriages shall die, or otherwise cease to hold his Office, his Deputy shall become the Registrar of Marriages in his 15 Place until the Appointment of another Registrar of Marriages shall have been made, and notified to him by the Superintendent Registrar or by the Registrar General, and shall, while continuing such Registrar, have the same Powers and Duties and be subject to the same Provisions and Penalties as any other Registrar of Marriages under this Act. 20

Proof of the
Observance
of this Act
and of the
recited Acts,
Matters not
necessary to
the Validity
of Marriages.

XVIII. After any Marriage shall have been solemnized under the Authority of any of the said recited Acts or of this Act, it shall not be necessary in support of such Marriage to give any Proof of the actual Dwelling or of the Period of Dwelling of either of the Parties previous to the Marriage within the District stated in any Notice of Marriage 25 to be that of his or her Residence, or of the Consent to any Marriage having been given by any Person whose Consent thereto is required by Law, or that the registered Building in which any Marriage may have been solemnized had been certified according to Law as a Place of Religious Worship, or that such Building was the usual Place 30 of Worship of either of the Parties; nor shall any Evidence be given to prove the contrary in any Suit or legal Proceedings touching the Validity of such Marriage; and all Marriages which heretofore have been or which hereafter may be had or solemnized under the Authority of any of the said recited Acts or of this Act in any Building or 35 Place of Worship which has been registered pursuant to the Provisions of the said Act, passed in the Sixth and Seventh Years of His late Majesty King William the Fourth, Chapter Eighty-five, but which may not have been certified as required by Law, shall be as valid in all respects as if such Place of Worship had been so 40 certified.

Penalty on
making false
Declaration,
or giving
false Notices.

XIX. Any Person who shall knowingly or wilfully make any false Declaration or sign any false Notice required by this Act for

for the Purpose of procuring any Marriage, and every Person who shall forbid the granting by any Superintendent Registrar of a Certificate for Marriage by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, 5 knowing such Representation to be false, shall suffer the Penalties of Perjury.

XX. If any valid Marriage shall be had under the Provisions of any of the said recited Acts or this Act by means of any wilfully false Declaration, Notice, or Certificate, made or obtained by either 10 Party to such Marriage, as to any Matter in which a solemn Declaration, Notice, or Certificate is required, it shall be lawful for Her Majesty's Attorney General or Solicitor General to sue for a Forfeiture of all the Estate and Interest in any Property accruing to the offending Party by such Marriage, and the Pro- 15 ceedings thereupon and the Consequences thereof shall be the same as are provided in the like Case with regard to Marriages solemnized by Licence between Parties under Age according to the Rites of the Church of England in the Statute passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, Chapter 20 Seventy-six.

In case of fraudulent Marriages, the guilty Party to forfeit all Property accruing from the Marriage, as in 4 Geo. 4. c. 76.

XXI. Except where the Provisions of the said recited Acts are expressly altered by or are at variance with the Provisions of this Act, nothing herein contained shall alter, repeal, or affect, or be construed so as in any Manner to alter, repeal, or affect any of the several 25 Provisions and Clauses contained in the same Acts or any of them, but, except as aforesaid, the same Provisions and Clauses respectively shall be and remain in full Force and Effect as if this Act had not been passed, and this Act shall, except as aforesaid, be considered as incorporated with the same Provisions and Clauses, and be construed 30 in connexion therewith: Provided that, save as herein-after mentioned, none of the Provisions of this Act shall limit or alter, or be construed to limit or alter, the Privileges of Persons belonging to the Society of Friends commonly called Quakers, or of Persons professing the Jewish Religion, or impose on either of such Bodies 35 any Obligations beyond such as are enacted in either of the said recited Acts.

Provisions as to existing Acts.

XXII. Any Marriage according to the Usages of the Society of Friends commonly called Quakers or to the Usages of Persons professing the Jewish Religion respectively, where the Parties thereto 40 are both Members of the said Society or both Persons professing the Jewish Religion respectively, may be solemnized by Licence (which Licence the Superintendent Registrar to whom Notice of the intended Marriage shall have been given is hereby authorized to grant, in the

Marriages of Quakers or Jews may be solemnized by Licence.

Form or to the Effect set forth in the said Schedule (C.) to this Act annexed); as effectually in all respects as if such Marriage were solemnized after the Issue of a Certificate by such Superintendent Registrar in the Manner provided by the said recited Acts or any of them; and the Provisions in this present Act contained in relation to the solemn Declaration to be made by the Party intending Marriage, and to the Statement to be contained in the Notice of such intended Marriage that such Marriage is intended to be celebrated by Licence, and to the Notice to be given of any such intended Marriage by Licence, and to the giving of Certificates in the Form or to the Effect set forth in Schedule (B.) to this Act annexed, and to the Fee and Stamp to be paid for such Licence, shall be applicable in all respects to every such Marriage to be solemnized by Licence according to the Usages of the said Society, or to the Usages of Persons professing the Jewish Religion respectively. 5 10 15

Registrar
General to
furnish to
Secretaries of
Synagogues
Marriage
Register
Books and
Forms.

XXIII. The Registrar General shall furnish or cause to be furnished to every Person whom Twenty Householdors shall certify in Writing under their Hands to the Registrar General to be the Secretary of a Synagogue in England of Persons professing the Jewish Religion, which has been used by such Householdors during One Year at the least as their usual Place of public Religious Worship, a sufficient Number in Duplicate of Marriage Register Books and Forms for certified Copies thereof; and every Secretary of a Synagogue to whom such Books and Forms shall be furnished under this Act shall perform the same Duties in relation to the Registration of Marriages between Persons professing the Jewish Religion, as under an Act passed in the Session of Parliament held in the Sixth and Seventh Years of His late Majesty William the Fourth, Chapter Eighty-six, intituled "An Act for registering Births, Deaths, and "Marriages in England," are to be performed by the Secretary of a Synagogue to whom Marriage Register Books, and Forms for certified Copies thereof, have been or shall be furnished under that Act; and every Secretary of a Synagogue to whom Books and Forms shall be furnished as aforesaid under this Enactment shall be deemed to be a Registrar of Marriages within the Meaning of the said recited Acts and of this Act, and shall hold his Office of Registrar of Marriages during the Pleasure of the Registrar General. 20 25 30 35

Marriages
under this
Act good and
cognizable.

XXIV. Every Marriage solemnized under any of the said recited Acts or of this Act shall be good and cognizable in like Manner as Marriages before the passing of the first-recited Act according to the Rites of the Church of England. 40

Recites the
Act of
15 & 16 Vict.
c. 36.

XXV. And whereas in pursuance of an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter

Chapter Thirty-six, intituled "An Act to amend the Law relating
 " to the certifying and registering Places of Religious Worship of
 " Protestant Dissenters," the Registrars of the several Dioceses and
 Archdeaconries, and the Clerks of the Peace of the several Counties,
 5 Ridings, Divisions, Cities, and Boroughs in England and Wales did,
 in the Year One thousand eight hundred and fifty-two, make and
 transmit, as thereby required, to the Registrar General of Births,
 Deaths, and Marriages in England duly verified Returns of all Places
 within the Limits of their respective Jurisdictions, which previous to
 10 and up to the Time of the passing of the last-mentioned Act had been
 certified according to Law and registered or recorded as Places of
 Meeting for Religious Worship: And whereas the total Number of
 such Places of Meeting so returned to the said Registrar General
 pursuant to the Provisions of the said Act is Fifty-four thousand eight
 15 hundred and four, and it is expedient that for facilitating the Proof of
 such Places having been duly certified and registered or recorded as
 aforesaid the Registrar General should be empowered by Law to allow
 Searches to be made in the said Returns, and to give certified Copies
 thereof and Extracts therefrom: Be it further enacted, as follows:

20 The Registrar General, on Payment to him of the several Fees
 herein-after mentioned, shall allow Searches to be made in the Returns
 so made to him as aforesaid, and shall give to any Person demanding
 the same a certified Copy thereof or Extract therefrom with respect
 to any Place of Meeting for Religious Worship contained therein;
 25 and every such certified Copy or Extract shall be sealed or stamped
 with the Seal of the General Register Office, and when so sealed or
 stamped as aforesaid, if tendered in Evidence upon any Trial or other
 judicial Proceeding in any Civil or Criminal Court, shall be received
 as Evidence of the Place of Meeting therein mentioned or described
 30 having been at the Time in that Behalf therein stated duly certified
 and registered or recorded as by Law required without any further
 or other Proof of the same; and the Registrar General shall be
 entitled to demand and receive for every Search in the said Returns
 extending over a Period of not more than Ten Years the Sum of
 35 One Shilling, and for every additional Period of Ten Years the Sum
 of Sixpence; and the further Sum of Two Shillings and Sixpence for
 every single certified Copy or Extract.

Registrar
 General
 to allow
 Searches and
 give Extracts
 from the
 Returns of
 certified
 Places of
 Worship
 made to him
 pursuant
 thereto, on
 Payment of
 specified
 Fees.

XXVI. Save as herein expressly provided, this Act shall not
 extend to Ireland or Scotland.

Act not to
 extend to
 Ireland or
 Scotland.

40 XXVII. This Act shall come into operation on the First Day of
 January One thousand eight hundred and fifty-seven, and none of
 the Provisions thereof shall take effect previous to that Day.

Commence-
 ment of Act.

SCHEDULES.

SCHEDULE (A.)

Form of Notice of Marriage.

To the Superintendent Registrar of the District of *Tunbridge* in the County of *Kent*.

I, the undersigned *James Smith*, hereby give you Notice, That a Marriage is intended to be had *by* [or without, *as the Case may be,*] Licence within Three Calendar Months from the Date hereof between me and the other Party herein named and described; (that is to say,)

Name and Surname.	Con- dition.	Rank or Profession.	Age.	Dwelling Place.	Length of Resi- dence.	Church or Building in which the Marriage is to be solemnized.	District and County in which the Parties respectively dwell.
<i>James Smith</i>	<i>Widower</i>	<i>Ironmonger</i>	<i>Twenty- five Years</i>	<i>16, High-St., Hendon, Middlesex.</i>		<i>Sion Chapel, West Street, Tunbridge, Kent.</i>	<i>Hendon, Middlesex.</i>
<i>Martha Green</i>	<i>Spinster</i>		<i>Nineteen Years</i>	<i>Grove Farm, Tunbridge, Kent.</i>	<i>More than a Month.</i>		<i>Tunbridge, Kent.</i>

And I hereby solemnly declare, That I believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that *she*, the above-named *Martha Green*, hath for the Space of *Fifteen* Days immediately preceding the giving of this Notice had *her* usual Place of Abode and Residence within the above-mentioned District of *Tunbridge*.

And I further declare, That the said *Martha Green* is not a Widow, and that *she* is a Minor under the Age of Twenty-one Years, and that the Consent of *George Kilpin*, whose Consent to *her* Marriage is required by Law, has been duly given and obtained thereto [or "that there is no Person whose Consent to *her* Marriage is by Law required" (*as the Case may be*)].

And

And I make the foregoing Declarations solemnly and deliberately,
conscientiously believing the same to be true, pursuant to the Pro-
visions of an Act passed in the Year of Her Majesty
Queen Victoria, Chapter intitled “An Act to amend
“the Provisions of the Marriage Acts relating to Dissenters,” well
knowing the Purport and Effect thereof, and that it is provided by
the same Act that every Person who shall knowingly or wilfully
make and sign or subscribe any false Declaration or who shall sign
any false Notice for the Purpose of procuring any Marriage under
the Provisions of the said Act above mentioned, or any of the several
Acts therein recited, shall suffer the Penalties of Perjury. In wit-
ness whereof I have hereunto set and subscribed my Hand, this
Fifth Day of January 1857.

James Smith.

Signed and declared by the above-
named *James Smith* in the
Presence of

[Here let the Witness, or Witnesses if more than One, attest the Signature of the Party giving the Notice according to One or other of the following "Examples":—]

Example.	Name of Witness or Witnesses.	Description.	Place of Abode.
1	<i>John Cox</i> - -	<i>Superintendent Registrar of Tunbridge District [or Deputy Superintendent Registrar of Tunbridge District.]</i>	<i>Tunbridge, Kent.</i>
2	<i>Peter Green</i> - -	<i>Registrar of Marriages for the Hendon District.</i>	<i>Hendon, Middlesex.</i>
3	<i>Thomas Jenks</i> - -	<i>Draper</i> - - - - -	<i>Hendon, Middlesex.</i>
	<i>Richard Jones</i> - -	<i>Surgeon</i> - - - - -	<i>Hendon, Middlesex.</i>

SCHEDULE (B.)

Form of Superintendent Registrar's Certificate.

I, *John Cox*, Superintendent Registrar of the District of *Tunbridge* in the County of *Kent*, do hereby certify, That on the *Fifth* Day of *January 1857* Notice was duly entered in the Marriage Notice Book of the said District of the Marriage intended between the Parties therein named and described, and of such Marriage being intended to be solemnized by Licence, delivered under the Hand of *James Smith*, One of the Parties; (that is to say,)

Name.	Con- dition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which the Marriage is to be solemnized.	District and County in which the Parties respectively dwell.
<i>James Smith</i>	<i>Widower</i>	<i>Ironmonger</i>	<i>Twenty- five Years.</i>	<i>16, High-st., Hendon, Middlesex.</i>		<i>Sion Chapel, West Street, Tunbridge, Kent.</i>	<i>Hendon, Middlesex.</i>
<i>Martha Green</i>	<i>Spinster</i>		<i>Nine- teen Years.</i>	<i>Grove Farm, Tunbridge, Kent.</i>	<i>More than a Month.</i>		<i>Tunbridge, Kent.</i>

Date of Entry of Notice,
5th January 1857.

Date of Certificate given,
7th January 1857.

The Issue of this Certificate has not been
forbidden by any Person authorized to
forbid the Issue thereof.

Witness my Hand, this *Seventh* Day of *January 1857*.

(Signed) *John Cox*,
Superintendent Registrar.

This Certificate will be void unless the Marriage is solemnized on
or before the *Fifth* Day of *April 1857*.

SCHEDULE (C.)

Form of Superintendent Registrar's Licence for Marriage.

To *James Smith*, of *16, High Street, Hendon* in the County of *Middlesex*, *Widower*, and *Martha Green*, of *Grove Farm, Tunbridge*, in the County of *Kent*, *Spinster*, I, the undersigned Superintendent Registrar of the District of *Tunbridge* in the said County of *Kent*, send Greeting:—

WHEREAS in pursuance of some or one of the Statutes next hereinafter mentioned made and now in force concerning the contracting and solemnizing of Marriages in England; (that is to say,) an Act passed in the Seventh Year of His late Majesty King William the Fourth, Chapter 85.; an Act passed in the First Year of Her present Majesty, Chapter 22.; an Act passed in the Fourth Year of Her said Majesty, Chapter 72.; and an Act passed in the Year of Her said Majesty, Chapter ; you, the above-mentioned *James Smith* and *Martha Green*, or One of you, have given due Notice of your Intention to enter into a Contract of Marriage, and you are desirous that such Marriage should be speedily performed: And whereas it has been made to appear to my Satisfaction that in regard to your said intended Marriage you have severally in all respects complied with the Provisions and Requirements of the above-mentioned Statutes, so far as such Provisions and Requirements are applicable to and binding upon you or either of you, and no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage being shown to exist: Now therefore I, the said Superintendent Registrar, by virtue of the Power and Authority vested in me in that Behalf, do hereby grant unto you, the aforesaid *James Smith* and *Martha Green*, full Licence and Permission to proceed in due Form of Law to contract and solemnize such Marriage at *Sion Chapel, West Street, Tunbridge, Kent*, at any Time within but not after the Expiration of Three Calendar Months next following the *Fifth Day of January 1857*.

Witness my Hand this *Seventh Day of January 1857*.

John Cox,
Superintendent Registrar of the
above-mentioned District.

Dissenters Marriages.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Provisions of the Marriage
Acts relating to Dissenters.

(Prepared and brought in by
Mr. Pellatt, Mr. Cheetham, and Mr. Hadfield.)

*Ordered, by The House of Commons, to be Printed,
9 April 1856.*

[Bill 93.]

Under 3 oz.

Dissenters Marriages Bill.

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON
SECOND RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Preamble.

No Notice of Marriage to be read or published before Poor Law Guardians, or transmitted to the Clerk of such Guardians ; Sect. 1.

Every Notice of Marriage to be accompanied by a solemn Declaration, by One of the Parties, that there is no lawful Hindrance to such Marriage, &c. Persons making wilfully false Declarations to suffer the Penalties of Perjury ; 2.

Form of Notice of Marriage ; 3.

Notice of Marriage without Licence to be affixed in Superintendent Registrar's Office ; 4.

Notice of Marriage by Licence not to be suspended in the Office of the Superintendent Registrar ; 5.

In case of Marriage by Licence, Notice of Marriage to be given to the Superintendent Registrar of only One District ; 6.

Notice of Marriage without Licence may be given in Ireland, if One of the Parties reside there ; 7.

Certificate of Proclamation of Banns in Scotland as to Party resident there equivalent to Superintendent Registrar's Certificate ; 8.

In Cases of Marriage by Licence, Certificate of the Notice thereof may be given by the Superintendent Registrar (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized ; 9.

Form of Licence to marry ; 10.

Mode of solemnizing Marriages in registered Buildings ; 11.

Superintendent Registrar to whom Notice is given may grant Licence for Marriage (under 3 & 4 Vict. c. 72.) in a District in which neither of the Parties resides ; and may also grant Licence or Certificate for Marriage in the usual Place of Worship of One of the Parties ; 12.

Superintendent Registrar's Presence at Marriages in the Register Office to be optional. Superintendent Registrar entitled to a Fee, if present ; 13.

[Bill 134.]

A

Registrar

Registrar General may appoint Registrars of Marriages ; and Appointment of Registrars of Marriages by Superintendent Registrars to be subject to the Approval of the Registrar General ; 14.

Registrar of Marriages may appoint a Deputy ; 15.

Proof of the Observance of this Act and of the recited Acts, Matters not necessary to the Validity of Marriages ; 16.

Penalty on making false Declaration, or giving false Notice ; 17.

In case of fraudulent Marriages the guilty Party to forfeit all Property accruing from the Marriage, as in 4 Geo. 4. c. 76. ; 18.

Provisions as to existing Acts ; 19.

Marriages of Quakers or Jews may be solemnized by Licence ; 20.

Registrar General to furnish to Secretaries of Synagogues Marriage Register Books and Forms ; 21.

Marriages under this Act good and cognizable ; 22.

Recites the Act of 15 & 16 Vict. c. 36. Registrar General to allow Searches and give Extracts from the Returns of certified Places of Worship made to him pursuant thereto, on Payment of specified Fees ; 23.

Act not to extend to Ireland or Scotland ; 24.

Commencement of Act ; 25.

SCHEDULES.

20 May 1856. 19 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT,
AND ON SECOND RE-COMMITMENT]

TO

Amend the Provisions of the Marriage Acts
relating to Dissenters.

WHEREAS an Act was passed in the Séssion holden in the Preamble.
Sixth and Seventh Years of the Reign of King William the
Fourth, Chapter Eighty-five, intituled “ An Act for Mar- 6 & 7 W. 4.
“ riages in England;” and another Act was passed in the First Year c. 85.
5 of the Reign of Her Majesty, Chapter Twenty-two, intituled “ An 1 Vict. c. 22.
“ Act to explain and amend Two Acts, passed in the last Session of
“ Parliament, for Marriages, and for registering Births, Deaths, and
“ Marriages in England;” and another Act was passed in the Session
holden in the Third and Fourth Years of Her Majesty, Chapter
10 Seventy-two, intituled “ An Act to provide for the Solemnization of 3 & 4 Vict.
“ Marriages in the District in or near to which the Parties reside:” c. 72.
And whereas it is expedient to alter and amend the Provisions of the
said recited Acts, so far as is herein-after provided: Be it therefore
enacted by the Queen’s most Excellent Majesty, by and with the
15 Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, as follows:

I. In case of any Party intending Marriage under the Provisions of
any of the said recited Acts, no Notice of such intended Marriage
20 shall be read or published before the Guardians of any Poor Law
[Bill 134.] A 2 Union

No Notice of
Marriage to
be read or
published
before Poor
Law Guar-
dians, or be

transmitted
to the Clerk
of such
Guardians.

Union or Parish or Place, or be transmitted by any Superintendent Registrar to the Clerk of any such Guardians.

Every Notice
of Marriage
to be accom-
panied by a
solemn De-
claration, by
One of the
Parties, that
there is no
lawful Hin-
drance to
such Mar-
riage, &c.

II. In case any Party shall intend Marriage under the Provisions of any of the said recited Acts, or of this Act, the Party so intending Marriage shall, at the Time of giving to the Superintendent Registrar 5 or respective Superintendent Registrars, as the Case may be, the Notice required by the said recited Acts or either of them, make and sign or subscribe a solemn Declaration in Writing in the Body of such Notice, that he or she believes that there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Mar- 10 riage, and that One of the said Parties hath for the Space of Seven Days (in case the said Marriage is intended to be had without Licence) or for the Space of Fifteen Days (if such Marriage is intended to be had by Licence) immediately preceding the giving of such Notice had his or her usual Place of Abode and Residence 15 within the District of the Superintendent Registrar to whom such Notice shall be so given; and when either of the Parties intending Marriage, and not being a Widower or Widow, shall be under the Age of Twenty-one Years, the Party making such Declaration shall further declare that the Consent of the Person or Persons whose 20 Consent to such Marriage is by Law required has been given, or (as the Case may be) that there is no Person whose Consent to such Marriage is by Law required; and every Declaration so made as aforesaid shall be signed and subscribed, by the Party making the same, in the Presence of the Superintendent Registrar, or either of the 25 Superintendent Registrars if more than One, to whom the Notice of Marriage containing such Declaration is given, or in the Presence of his Deputy, or of some Registrar of Births and Deaths or of Marriages for the District in which the Party giving such Notice resides, or of the Deputy of such Registrar, or otherwise in the Presence of 30 Two credible Witnesses, being severally Householders resident within the same District, who shall respectively attest the same by adding thereto his or her Name, Description, and Place of Abode; and no Certificate or Licence for Marriage shall be issued or granted pursuant to any such Notice as aforesaid unless the said Notice be accompanied 35 by such solemn Declaration duly made and signed or subscribed and attested as aforesaid; and every Person who shall knowingly or wilfully make and sign or subscribe any false Declaration, or who shall sign any false Notice for the Purpose of procuring any Marriage under the Provisions of any of the said recited Acts, or of this Act, shall 40 suffer the Penalties of Perjury.

Persons
making wil-
fully false
Declarations
to suffer the
Penalties of
Perjury.

Form of
Notice of
Marriage.

III. Every Notice of Marriage which shall be given under the Provisions of any of the said recited Acts, or of this Act, after this Act shall

shall have come into operation, shall be in the Form of Schedule (A.) to this Act annexed, or to the like Effect; and in every Case where the Marriage is intended to be had and solemnized under the Provisions of the said recited Act of the Third and Fourth Years of Her Majesty, Chapter Seventy-two, such Notice shall, in addition to the several Particulars comprised in the said Schedule, contain the Declaration required to be made by One of the Parties to such intended Marriage, pursuant to the Second Section of the said last-mentioned Act.

- 10 IV. In case any Party shall intend Marriage without Licence under the Provisions of any of the said recited Acts or of this Act, the Superintendent Registrar to whom Notice of such intended Marriage has been given shall cause the Notice of Marriage, or a true and exact Copy thereof under the Hand of the Superintendent Registrar, to be
15 suspended or affixed in some conspicuous Place in the Office of the said Superintendent Registrar during Twenty-one successive Days before any Marriage shall be solemnized in pursuance of such Notice, and after the Expiration of Twenty-one Days next after the Day of the Entry of such Notice in his "Marriage Notice Book" the Super-
20 intendent Registrar shall issue under his Hand, upon the Request of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in Schedule (B.) to this Act annexed, provided that in the meantime no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superin-
25 tendent Registrar, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice
30 was entered, and that the Issue of such Certificate has not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of One Shilling; and at any Time within Three Calendar Months next after the Day of the Entry of such Notice the intended Marriage may be solemnized under the
35 Authority of the said Certificate.

Notice of Marriage without Licence to be affixed in Superintendent Registrar's Office.

- V. In case of any Party intending Marriage by Licence under the Provisions of any of the said recited Acts or of this Act, Notice of such intended Marriage shall not be suspended in the Office
40 of the Superintendent Registrar, but the Party giving the same shall state therein that such Marriage is intended to be celebrated by Licence.

Notice of Marriage by Licence not to be suspended in the Office of the Superintendent Registrar.

In case of
Marriage by
Licence
Notice of
Marriage to
be given to
the Super-
intendent
Registrar of
only One
District.

VI. In any Case of Marriage intended to be solemnized by Licence under the Provisions of any of the said recited Acts or of this Act between Parties both of whom do not dwell in the same Superintendent Registrar's District, it shall not be required that Notice of such intended Marriage shall be given to more than One Superin- 5
tendent Registrar, but a Notice to the Superintendent Registrar of the District in which either of the Parties so intending Marriage resides shall be sufficient; and it shall not be required that the said Notice shall state how long each of the said Parties has resided in his or her Dwelling Place, but only how long the Party residing in the 10
District in which the Notice is given has so resided.

Notice of
Marriage
without
Licence
may be given
in Ireland,
if One of the
Parties
reside there.

VII. In every Case in which One of the Parties intending Marriage without Licence under the Provisions of any of the said recited Acts or of this Act shall dwell in Ireland, the Party so dwelling in Ireland shall give Notice in the Form there used in that 15
Behalf or to the like Effect to the Registrar of the District in Ireland within which such Party shall have dwelt for not less than Seven Days then next preceding, and shall state therein the Name and Surname and the Profession or Condition and Age of each of the Parties intending Marriage, and also the Dwelling Place of each of 20
them, and the Time, not being less than Seven Days, during which he or she shall have dwelt therein, and also the Church or other Building in which the Marriage is to be solemnized; provided, that if either Party shall have dwelt in the Place stated in the Notice as his or her Dwelling Place more than One Month, it may be 25
stated that he or she hath dwelt therein One Month and upwards; and such Notice shall be dealt with in the Manner and such Certificate for Marriage shall be given by such Registrar in the Mode respectively prescribed in an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, 30
Chapter Eighty-one, intituled "An Act for Marriages in Ireland, " and for registering such Marriages," as amended by another Act passed in the Session holden in the Ninth and Tenth Years of the same Reign, Chapter Seventy-two, intituled "An Act to amend 35
" the Act for Marriages in Ireland, and for registering such Marriages;" provided, that in such Case the Certificate for Marriage shall not be 40
issued before the Expiration of Twenty-one Days next after the Day of the Entry of such Notice, as in the first of the said Two last-mentioned Acts is provided; and from and after the issuing of such Certificate the Production of the same to any Person duly authorized under the Provisions of this Act to solemnize a Marriage shall be as valid and effectual for authorizing such Person to solemnize such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in England would be under any or either of the

the said Three firstly herein-before recited Acts if the Party giving such Notice were resident within such District, and the other Party to such intended Marriage were also resident within another Superintendent Registrar's District in England; and where Marriages have
 5 since the passing of the said Act for Marriages in Ireland, and for registering such Marriages, been solemnized in England between Parties, one of whom was resident in Ireland, under Certificates, of which one was the Certificate of the Registrar of the District in Ireland within which one of the Parties had dwelt for not less than
 10 Seven Days, and the other the Certificate of the Superintendent Registrar of the District in England within which the other Party had dwelt for not less than Seven Days, such Marriages are hereby declared to be and to have been valid in the same Manner as if the Parties had been respectively resident for not less than Seven Days
 15 in the respective Districts of Two Superintendent Registrars in England, and like Certificates had been issued by both such Superintendent Registrars.

VIII. When any Party intending Marriage without Licence under the Provisions of any of the said recited Acts or this Act shall dwell
 20 in Scotland, a Certificate of Proclamation of Banns in Scotland under the Hand of the Session Clerk of the Parish in which such Proclamation shall have been made shall, when produced to any Person duly authorized under the Provisions of this Act to solemnize a Marriage, be as valid and effectual for authorizing such Person to solemnize
 25 such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in England would be, under any or either of the said Three firstly-recited Acts, in reference to a Party resident within such District.

Certificate of Proclamation of Banns in Scotland as to Party resident there equivalent to Superintendent Registrar's Certificate.

IX. Every Superintendent Registrar receiving Notice of an in-
 30 tended Marriage to be solemnized by Licence as aforesaid shall, after the Expiration of One whole Day next after the Day of the Entry of such Notice in his "Marriage Notice Book," issue under his Hand, upon the Request of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in the
 35 said Schedule (B.) to this Act annexed, and also a Licence to marry, provided that in the meantime no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superintendent Registrar, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said
 40 firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice was entered, and that the Issue of such Certificate has

In Cases of Marriage by Licence, Certificate of the Notice thereof may be given by the Superintendent Registrar (unless the Marriage be forbidden), and there-upon the Marriage may be solemnized.

not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of One Shilling; and at any Time within Three Calendar Months next after the Day of the Entry of such Notice the intended Marriage may be solemnized under 5 the Authority of the said Licence.

Form of
Licence to
marry.

X. The Form of a Licence for Marriage so to be granted as aforesaid to any Party or Parties by the Superintendent Registrar of any District as aforesaid shall be in the Form or to the Effect of the Licence set forth in Schedule (C.) to this Act annexed; and for every 10 such Licence the Superintendent Registrar granting the same shall be entitled to have and receive of the Party requiring the same the Sum of One Pound Ten Shillings over and above the Amount paid for the Stamps necessary on granting such Licence.

Mode of
solemnizing
Marriages in
registered
Buildings.

XI. It shall be lawful for the Parties described in any Licence or 15 Certificate for Marriage issued under the Provisions of any of the said recited Acts, or of this Act, and they are hereby authorized to have their Marriage solemnized in the registered Building stated in such Licence or Certificate (as the Case may be) by the Minister who ordinarily officiates in such registered Building, or, with his Consent, 20 by such other Minister as the Parties shall engage for the Purpose, according to the Form and Ceremony (if any such there be) usually adopted or which shall have been prescribed for Adoption on the like Occasions at the said registered Building, or according to such Form or Ceremony as the Minister officiating at the said Marriage shall 25 think fit to adopt.

Superin-
tendent
Registrar to
whom Notice
is given may
grant Li-
cence for
Marriage
(under 3 & 4
Vict. c. 72.)
in a District
in which
neither of
the Parties
resides; and
may also
grant Li-
cence or
Certificate
for Marriage
in the usual
Place of
Worship of
One of the
Parties.

XII. When any Marriage is intended to be solemnized between Parties not of the Society of Friends commonly called Quakers, or not professing the Jewish Religion, by Licence under the Provisions of the before-recited Act of the Third and Fourth Years of 30 Her Majesty, Chapter Seventy-two, in a registered Building situated in a District within which neither of the Parties resides, it shall be lawful for the Superintendent Registrar to whom Notice of such intended Marriage shall have been given to grant to the Party applying for the same a Licence for such Marriage to be solemnized 35 in the registered Building stated in such Notice; and when any Marriage is intended to be solemnized under the Provisions of any of the before-recited Acts or of this Act in the usual Place of Worship of the Parties so intending Marriage, or One of them, and such Place of Worship shall be a registered Building situated out of the District 40 of their, his, or her Residence, it shall be lawful for the Superintendent Registrar or respective Superintendent Registrars to whom Notice of such

such last-mentioned Marriage shall have been given to grant to the Party applying for the same a Licence or Certificate (as the Case may be) for such last-mentioned Marriage to be solemnized in the registered Building stated in such Notice, provided such Building be
 5 situated not more than Two Miles beyond the Limits of the District in which the Notice of such Marriage has been given; and every Licence and Certificate granted in pursuance of this Enactment shall be as valid and effectual to all Intents and Purposes as if the same had been granted by the Superintendent Registrar of the District in
 10 which the registered Building wherein the Marriage is intended to be solemnized is situated: Provided always, that in every Case where a Marriage is intended to be solemnized in the usual Place of Worship of the Parties or One of them, and such Place of Worship shall be a registered Building situated out of the District of their, his, or her
 15 Residence, the Party giving Notice of such last-mentioned Marriage shall at the Time of giving the same state therein, in addition to the Description of the Building in which the Marriage is to be solemnized, that it is the usual Place of Worship of One of the Parties, and shall also state the Name of the Party whose usual Place of Worship
 20 it is.

XIII. Every Marriage hereafter contracted and solemnized under the Provisions of any of the said recited Acts or of this Act at the Register Office of any District, in the Absence of the Superintendent Registrar thereof, shall be as good and valid to all Intents and Pur-
 25 poses as if such Superintendent Registrar had been present thereat, provided the same be contracted and solemnized in the Presence of some Registrar of Marriages acting in and for such District and of Two credible Witnesses, and in all other respects according to such Form and Ceremony as in and by the Twentieth Section of the said
 30 first-recited Act are prescribed and directed to be used on the Solemnization of Marriage in a registered Building: Provided also, that if at the Request of the Parties to any intended Marriage at a Register Office the Superintendent Registrar be present thereat, he shall be entitled to have and receive before such Marriage, from the Parties
 35 married, a Fee of Ten Shillings if the Marriage be by Licence, and if it be without Licence a Fee of Five Shillings.

Superintendent Registrar's Presence at Marriages in the Register Office to be optional.

Superintendent Registrar entitled to a Fee, if present.

XIV. The Registrar General shall have Power and he is hereby authorized from Time to Time to appoint by Writing under his Hand such Person or Persons as he may think fit, with such Quali-
 40 fications as the said Registrar General by any general Rule shall have declared to be necessary, to be a Registrar or Registrars of Marriages within the District of any Superintendent Registrar; and every Appointment to be hereafter made by any Superin-
 [134.] B tendent

Registrar General may appoint Registrars of Marriages; and Appointment of Registrars of Marriages by Superintendent

Registrars
to be subject
to the Ap-
proval of the
Registrar
General.

tendent Registrar of any Person or Persons to be a Registrar or Registrars for the Purpose of being present at Marriages to be solemnized under and by virtue of any or either of the said recited Acts or of this Act shall be by Writing under the Hand of such Superintendent Registrar, and shall be subject to the Approval of the Registrar General. 5

Registrar of
Marriages
may appoint
a Deputy.

XV. Every Registrar of Marriages already appointed or hereafter to be appointed shall be and he is hereby empowered, subject to the Approval of the Registrar General, to appoint, by a Writing under his Hand, a fit Person to be and to act as his Deputy, whensoever he 10 may be authorized or required so to do by any Regulation to be made by the Registrar General; and every such Deputy, while so acting, shall have all the Powers and Duties and be subject to all the Provisions and Penalties in the said recited Acts or any or either of them given, imposed, and contained concerning Registrars of Marriages; 15 and every such Deputy shall hold his Office during the Pleasure of the Registrar by whom he was appointed, but shall be removable by the Registrar General; and every Registrar of Marriages shall be civilly responsible for the Acts and Omissions of his Deputy; and in case any Registrar of Marriages shall die, or otherwise cease to hold 20 his Office, his Deputy shall become the Registrar of Marriages in his Place until the Appointment of another Registrar of Marriages shall have been made, and notified to him by the Superintendent Registrar or by the Registrar General, and shall, while continuing such Registrar, have the same Powers and Duties and be subject to the same Provisions 25 and Penalties as any other Registrar of Marriages under this Act.

Proof of the
Observance
of this Act
and of the
recited Acts,
Matters not
necessary to
the Validity
of Marriages.

XVI. After any Marriage shall have been solemnized under the Authority of any of the said recited Acts or of this Act, it shall not be necessary in support of such Marriage to give any Proof of the actual Dwelling or of the Period of Dwelling of either of the Parties previous 30 to the Marriage within the District stated in any Notice of Marriage to be that of his or her Residence, or of the Consent to any Marriage having been given by any Person whose Consent thereto is required by Law, or that the registered Building in which any Marriage may have been solemnized had been certified according to Law as a Place 35 of Religious Worship, or that such Building was the usual Place of Worship of either of the Parties; nor shall any Evidence be given to prove the contrary in any Suit or legal Proceedings touching the Validity of such Marriage; and all Marriages which heretofore have been or which hereafter may be had or solemnized under the Authority 40 of any of the said recited Acts or of this Act in any Building or Place of Worship which has been registered pursuant to the Provisions of the said Act, passed in the Sixth and Seventh Years of His

His late Majesty King William the Fourth, Chapter Eighty-five, but which may not have been certified as required by Law, shall be as valid in all respects as if such Place of Worship had been so certified.

- 5 XVII. Any Person who shall knowingly or wilfully make any false Declaration or sign any false Notice required by this Act for the Purpose of procuring any Marriage, and every Person who shall forbid the granting by any Superintendent Registrar of a Certificate for Marriage by falsely representing himself or herself
10 to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall suffer the Penalties of Perjury.

Penalty on making false Declaration, or giving false Notices.

- XVIII. If any valid Marriage shall be had under the Provisions of any of the said recited Acts or this Act by means of any wilfully
15 false Declaration, Notice, or Certificate, made or obtained by either Party to such Marriage, as to any Matter in which a solemn Declaration, Notice, or Certificate is required, it shall be lawful for Her Majesty's Attorney General or Solicitor General to sue for a Forfeiture of all the Estate and Interest in any Property
20 accruing to the offending Party by such Marriage, and the Proceedings thereupon and the Consequences thereof shall be the same as are provided in the like Case with regard to Marriages solemnized by Licence between Parties under Age according to the Rites of the Church of England in the Statute passed in the Fourth Year of
25 the Reign of His late Majesty King George the Fourth, Chapter Seventy-six.

In case of fraudulent Marriages, the guilty Party to forfeit all Property accruing from the Marriage, as in 4 G. 4. c. 76.

- XIX. Except where the Provisions of the said recited Acts are expressly altered by or are at variance with the Provisions of this Act, nothing herein contained shall alter, repeal, or affect, or be construed
30 so as in any Manner to alter, repeal, or affect any of the several Provisions and Clauses contained in the same Acts or any of them, but, except as aforesaid, the same Provisions and Clauses respectively shall be and remain in full Force and Effect as if this Act had not been passed, and this Act shall, except as aforesaid, be considered as
35 incorporated with the same Provisions and Clauses, and be construed in connexion therewith: Provided that, save as herein-after mentioned, none of the Provisions of this Act shall limit or alter, or be construed to limit or alter, the Privileges of Persons belonging to the Society of Friends commonly called Quakers, or of Persons
40 professing the Jewish Religion, or impose on either of such Bodies any Obligations beyond such as are enacted in either of the said recited Acts.

Provisions as to existing Acts.

Marriages of
Quakers or
Jews may be
solemnized
by Licence.

XX. Any Marriage according to the Usages of the Society of Friends commonly called Quakers or to the Usages of Persons professing the Jewish Religion respectively, where the Parties thereto are both Members of the said Society or both Persons professing the Jewish Religion respectively, may be solemnized by Licence (which 5 Licence the Superintendent Registrar to whom Notice of the intended Marriage shall have been given is hereby authorized to grant, in the Form or to the Effect set forth in the said Schedule (C.) to this Act annexed), as effectually in all respects as if such Marriage were solemnized after the Issue of a Certificate by such Superintendent Registrar in 10 the Manner provided by the said recited Acts or any of them; and the Provisions in this present Act contained in relation to the solemn Declaration to be made by the Party intending Marriage, and to the Statement to be contained in the Notice of such intended Marriage that such Marriage is intended to be celebrated 15 by Licence, and to the Notice to be given of any such intended Marriage by Licence, and to the giving of Certificates in the Form or to the Effect set forth in Schedule (B.) to this Act annexed, and to the Fee and Stamp to be paid for such Licence, shall be applicable in all respects to every such Marriage to be solemnized by Licence 20 according to the Usages of the said Society, or to the Usages of Persons professing the Jewish Religion respectively.

Registrar
General to
furnish to
Secretaries of
Synagogues
Marriage
Register
Books and
Forms.

XXI. The Registrar General shall furnish or cause to be furnished to every Person whom Twenty Householdors shall certify in Writing under their Hands to the Registrar General to be the 25 Secretary of a Synagogue in England of Persons professing the Jewish Religion, which has been used by such Householdors during One Year at the least as their usual Place of public Religious Worship, a sufficient Number in Duplicate of Marriage Register Books and Forms for certified Copies thereof; and every Secretary of a Syna- 30 gogue to whom such Books and Forms shall be furnished under this Act shall perform the same Duties in relation to the Registration of Marriages between Persons professing the Jewish Religion, as under an Act passed in the Session of Parliament held in the Sixth and Seventh Years of His late Majesty William the Fourth, Chapter 35 Eighty-six, intituled "An Act for registering Births, Deaths, and "Marriages in England," are to be performed by the Secretary of a Synagogue to whom Marriage Register Books, and Forms for certified Copies thereof, have been or shall be furnished under that Act; and every Secretary of a Synagogue to whom Books and Forms shall be 40 furnished as aforesaid under this Enactment shall be deemed to be a Registrar of Marriages within the Meaning of the said recited Acts and of this Act, and shall hold his Office of Registrar of Marriages during the Pleasure of the Registrar General.

XXII. Every

XXII. Every Marriage solemnized under any of the said recited Acts or of this Act shall be good and cognizable in like Manner as Marriages before the passing of the first-recited Act according to the Rites of the Church of England.

Marriages under this Act good and cognizable.

5 XXIII. And whereas in pursuance of an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, intituled "An Act to amend the Law relating
10 "to the certifying and registering Places of Religious Worship of
"Protestant Dissenters," the Registrars of the several Dioceses and Archdeaconries, and the Clerks of the Peace of the several Counties, Ridings, Divisions, Cities, and Boroughs in England and Wales did, in the Year One thousand eight hundred and fifty-two, make and transmit, as thereby required, to the Registrar General of Births, Deaths, and Marriages in England duly verified Returns of all Places
15 within the Limits of their respective Jurisdictions, which previous to and up to the Time of the passing of the last-mentioned Act had been certified according to Law and registered or recorded as Places of Meeting for Religious Worship: And whereas the total Number of such Places of Meeting so returned to the said Registrar General
20 pursuant to the Provisions of the said Act is Fifty-four thousand eight hundred and four, and it is expedient that for facilitating the Proof of such Places having been duly certified and registered or recorded as aforesaid the Registrar General should be empowered by Law to allow Searches to be made in the said Returns, and to give certified Copies
25 thereof and Extracts therefrom: Be it further enacted, as follows:

Recites the Act of 15 & 16 Vict. c. 36.

The Registrar General, on Payment to him of the several Fees herein-after mentioned, shall allow Searches to be made in the Returns so made to him as aforesaid, and shall give to any Person demanding the same a certified Copy thereof or Extract therefrom with respect
30 to any Place of Meeting for Religious Worship contained therein; and every such certified Copy or Extract shall be sealed or stamped with the Seal of the General Register Office, and when so sealed or stamped as aforesaid, if tendered in Evidence upon any Trial or other judicial Proceeding in any Civil or Criminal Court, shall be received
35 as Evidence of the Place of Meeting therein mentioned or described having been at the Time in that Behalf therein stated duly certified and registered or recorded as by Law required without any further or other Proof of the same; and the Registrar General shall be entitled to demand and receive for every Search in the said Returns
40 extending over a Period of not more than Ten Years the Sum of One Shilling, and for every additional Period of Ten Years the Sum of Sixpence; and the further Sum of Two Shillings and Sixpence for every single certified Copy or Extract.

Registrar General to allow Searches and give Extracts from the Returns of certified Places of Worship made to him pursuant thereto, on Payment of specified Fees.

Act not to
extend to
Ireland or
Scotland.

XXIV. Save as herein expressly provided, this Act shall not extend to Ireland or Scotland.

Commence-
ment of Act.

XXV. This Act shall come into operation on the First Day of January One thousand eight hundred and fifty-seven, and none of the Provisions thereof shall take effect previous to that Day. 5

SCHEDULES.

SCHEDULE (A.)

Form of Notice of Marriage.

To the Superintendent Registrar of the District of *Tunbridge* in the County of *Kent*.

I, the undersigned *James Smith*, hereby give you Notice, That a Marriage is intended to be had *by* [*or without, as the Case may be,*] Licence within Three Calendar Months from the Date hereof between me and the other Party herein named and described; (that is to say,)

Name and Surname.	Con- dition.	Rank or Profession.	Age.	Dwelling Place.	Length of Resi- dence.	Church or Building in which the Marriage is to be solemnized.	District and County in which the Parties respectively dwell.
<i>James Smith</i>	<i>Widower</i>	<i>Ironmonger</i>	<i>Twenty- five Years</i>	<i>16, High-St., Hendon, Middlesex.</i>		<i>Sion Chapel, West Street, Tunbridge, Kent.</i>	<i>Hendon, Middlesex.</i>
<i>Martha Green</i>	<i>Spinster</i>		<i>Nineteen Years</i>	<i>Grove Farm, Tunbridge, Kent.</i>	<i>More than a Month.</i>		<i>Tunbridge, Kent.</i>

And I hereby solemnly declare, That I believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that *she*, the above-named *Martha Green*, hath for the Space of *Fifteen* Days immediately preceding the giving of this Notice had *her* usual Place of Abode and Residence within the above-mentioned District of *Tunbridge*.

And I further declare, That the said *Martha Green* is not a Widow, and that *she* is a Minor under the Age of Twenty-one Years, and that the Consent of *George Kilpin*, whose Consent to *her* Marriage is required by Law, has been duly given and obtained thereto [*or "that there is no Person whose Consent to her Marriage is by Law required" (as the Case may be)].*

And I make the foregoing Declarations solemnly and deliberately, conscientiously believing the same to be true, pursuant to the Provisions of an Act passed in the Year of Her Majesty Queen Victoria, Chapter intituled “An Act to amend “the Provisions of the Marriage Acts relating to Dissenters,” well knowing the Purport and Effect thereof, and that it is provided by the same Act that every Person who shall knowingly or wilfully make and sign or subscribe any false Declaration or who shall sign any false Notice for the Purpose of procuring any Marriage under the Provisions of the said Act above mentioned, or any of the several Acts therein recited, shall suffer the Penalties of Perjury. In witness whereof I have hereunto set and subscribed my Hand, this Fifth Day of January 1857.

James Smith.

Signed and declared by the above-
named James Smith in the
Presence of }

[Here let the Witness, or Witnesses if more than One, attest the Signature of the Party giving the Notice according to One or other of the following “Examples” :—]

Example.	Name of Witness or Witnesses.	Description.	Place of Abode.
1	John Cox - -	Superintendent Registrar of Tunbridge District [or Deputy Superintendent Registrar of Tunbridge District.]	Tunbridge, Kent.
2	Peter Green - -	Registrar of Marriages for the Hendon District.	Hendon, Middlesex.
3	Thomas Jenks - -	Draper - - - - -	Hendon, Middlesex.
	Richard Jones - -	Surgeon - - - - -	Hendon, Middlesex.

SCHEDULE (B.)

Form of Superintendent Registrar's Certificate.

I, *John Cox*, Superintendent Registrar of the District of *Tunbridge* in the County of *Kent*, do hereby certify, That on the *Fifth* Day of *January 1857* Notice was duly entered in the Marriage Notice Book of the said District of the Marriage intended between the Parties therein named and described, and of such Marriage being intended to be solemnized by Licence, delivered under the Hand of *James Smith*, One of the Parties; (that is to say,)

Name.	Con- dition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which the Marriage is to be solemnized.	District and County in which the Parties respectively dwell.
<i>James Smith</i>	<i>Widower</i>	<i>Ironmonger</i>	<i>Twenty- five Years.</i>	<i>16, High-st., Hendon, Middlesex.</i>		<i>Sion Chapel, West Street, Tunbridge, Kent.</i>	<i>Hendon, Middlesex.</i>
<i>Martha Green</i>	<i>Spinster</i>		<i>Nine- teen Years.</i>	<i>Grove Farm, Tunbridge, Kent.</i>	<i>More than a Month.</i>		<i>Tunbridge, Kent.</i>

Date of Entry of Notice,
5th January 1857.

Date of Certificate given,
7th January 1857.

The Issue of this Certificate has not been
forbidden by any Person authorized to
forbid the Issue thereof.

Witness my Hand, this *Seventh* Day of *January 1857*.

(Signed) *John Cox*,
Superintendent Registrar.

This Certificate will be void unless the Marriage is solemnized on
or before the *Fifth* Day of *April 1857*.

SCHEDULE (C.)

Form of Superintendent Registrar's Licence for Marriage.

To *James Smith*, of 16, *High Street, Hendon* in the County of *Middlesex*, *Widower*, and *Martha Green*, of *Grove Farm, Tunbridge*, in the County of *Kent*, *Spinster*, I, the undersigned Superintendent Registrar of the District of *Tunbridge* in the said County of *Kent*, send Greeting:—

WHEREAS in pursuance of some or one of the Statutes next hereinafter mentioned made and now in force concerning the contracting and solemnizing of Marriages in England; (that is to say,) an Act passed in the Seventh Year of His late Majesty King William the Fourth, Chapter 85.; an Act passed in the First Year of Her present Majesty, Chapter 22.; an Act passed in the Fourth Year of Her said Majesty, Chapter 72.; and an Act passed in the Year of Her said Majesty, Chapter ; you, the above-mentioned *James Smith* and *Martha Green*, or One of you, have given due Notice of your Intention to enter into a Contract of Marriage, and you are desirous that such Marriage should be speedily performed: And whereas it has been made to appear to my Satisfaction that in regard to your said intended Marriage you have severally in all respects complied with the Provisions and Requirements of the above-mentioned Statutes, so far as such Provisions and Requirements are applicable to and binding upon you or either of you, and no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage being shown to exist: Now therefore I, the said Superintendent Registrar, by virtue of the Power and Authority vested in me in that Behalf, do hereby grant unto you, the aforesaid *James Smith* and *Martha Green*, full Licence and Permission to proceed in due Form of Law to contract and solemnize such Marriage at *Sion Chapel, West Street, Tunbridge, Kent*, at any Time within but not after the Expiration of Three Calendar Months next following the *Fifth Day of January 1857*.

Witness my Hand this *Seventh Day of January 1857*.

John Cox,
Superintendent Registrar of the
above-mentioned District.

Dissenters Marriages.

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT]

To amend the Provisions of the Marriage Acts relating to Dissenters.

(*Prepared and brought in by*
Mr. Pellatt, Mr. Cheetham, and Mr. Haugfield.)

Ordered, by The House of Commons, to be Printed,
20 May 1856.

[Bill 134.]

Under 3 oz.

Dissenters Marriages Bill.

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON
SECOND AND THIRD RE-COMMITMENTS.]

ARRANGEMENT OF CLAUSES.

Preamble.

No Notice of Marriage to be read or published before Poor Law Guardians, or transmitted to the Clerk of such Guardians; Sect. 1.

Every Notice of Marriage to be accompanied by a solemn Declaration, by One of the Parties, that there is no lawful Hindrance to such Marriage, &c. Persons making wilfully false Declarations to suffer the Penalties of Perjury; 2.

Form of Notice of Marriage; 3.

Notice of Marriage without Licence to be affixed in or outside Superintendent Registrar's Office; 4.

Notice of Marriage by Licence not to be suspended in or outside the Office of the Superintendent Registrar; 5.

In case of Marriage by Licence, Notice of Marriage to be given to the Superintendent Registrar of only One District; 6.

Notice of Marriage without Licence may be given in Ireland, if One of the Parties reside there; 7.

Certificate of Proclamation of Banns in Scotland as to Party resident there equivalent to Superintendent Registrar's Certificate; 8.

In Cases of Marriage by Licence, Certificate of the Notice thereof may be given by the Superintendent Registrar (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized; 9.

Form of Licence to marry; 10.

Mode of solemnizing Marriages in registered Buildings; 11.

Superintendent Registrar to whom Notice is given may grant Licence for Marriage (under 3 & 4 Vict. c. 72.) in a District in which neither of the Parties resides; 12.

Superintendent Registrar's Presence at Marriages in the Register Office to be optional. Superintendent Registrar entitled to a Fee, if present; 13.

[Bill 160.]

a

Registrar

Registrar General may appoint Registrars of Marriages ; and Appointment of Registrars of Marriages by Superintendent Registrars to be subject to the Approval of the Registrar General ; 14.

Registrar of Marriages may appoint a Deputy ; 15.

Proof of the Observance of this Act and of the recited Acts, Matters not necessary to the Validity of Marriages ; 16.

Penalty on making false Declaration, or giving false Notice ; 17.

In case of fraudulent Marriages the guilty Party to forfeit all Property accruing from the Marriage, as in 4 Geo. 4. c. 76. ; 18.

Marriages of Quakers or Jews may be solemnized by Licence ; 19.

Marriages under this Act good and cognizable ; 20.

Recites the Act of 15 & 16 Vict. c. 36. Registrar General to allow Searches and give Extracts from the Returns of certified Places of Worship made to him pursuant thereto, on Payment of specified Fees ; 21.

Act not to extend to Ireland or Scotland ; 22.

Commencement of Act ; 23.

SCHEDULES.

4 June 1856. 19 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT,
AND ON SECOND AND THIRD RE-COMMITMENTS]

TO

Amend the Provisions of the Marriage Acts
relating to Dissenters. "

WHEREAS an Act was passed in the Session holden in the Preamble.
Sixth and Seventh Years of the Reign of King William the
Fourth, Chapter Eighty-five, intituled "An Act for Mar- 6 & 7 W. 4.
riages in England;" and another Act was passed in the First Year c. 85.
5 of the Reign of Her Majesty, Chapter Twenty-two, intituled "An 1 Vict. c. 22.
Act to explain and amend Two Acts, passed in the last Session of
Parliament, for Marriages, and for registering Births, Deaths, and
Marriages in England;" and another Act was passed in the Session
holden in the Third and Fourth Years of Her Majesty, Chapter
10 Seventy-two, intituled "An Act to provide for the Solemnization of 3 & 4 Vict.
Marriages in the District in or near to which the Parties reside:" c. 72.
And whereas it is expedient to alter and amend the Provisions of the
said recited Acts, so far as is herein-after provided: Be it therefore
enacted by the Queen's most Excellent Majesty, by and with the
15 Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, as follows:

1. In case of any Party intending Marriage under the Provisions of
any of the said recited Acts, no Notice of such intended Marriage
20 shall be read or published before the Guardians of any Poor Law
[Bill 160.] A Union

No Notice of
Marriage to
be read or
published
before Poor
Law Guar-
dians, or be

transmitted
to the Clerk
of such
Guardians.

Union or Parish or Place, or be transmitted by any Superintendent Registrar to the Clerk of any such Guardians.

Every Notice
of Marriage
to be accom-
panied by a
solemn De-
claration, by
One of the
Parties, that
there is no
lawful Hin-
drance to
such Mar-
riage, &c.

II. In case any Party shall intend Marriage under the Provisions of any of the said recited Acts, or of this Act, the Party so intending Marriage shall, at the Time of giving to the Superintendent Registrar 5 or respective Superintendent Registrars, as the Case may be, the Notice required by the said recited Acts or either of them, make and sign or subscribe a solemn Declaration in Writing in the Body or at the Foot of such Notice, that he or she believes that there is no Impediment of Kindred or Alliance or other lawful Hindrance to the 10 said Marriage, and that One of the said Parties hath for the Space of Seven Days (in case the said Marriage is intended to be had without Licence) or for the Space of Fifteen Days (if such Marriage is intended to be had by Licence) immediately preceding the giving of such Notice had his or her usual Place of Abode and Residence 15 within the District of the Superintendent Registrar to whom such Notice shall be so given; and when either of the Parties intending Marriage, and not being a Widower or Widow, shall be under the Age of Twenty-one Years, the Party making such Declaration shall further declare that the Consent of the Person or Persons whose 20 Consent to such Marriage is by Law required has been given, or (as the Case may be) that there is no Person whose Consent to such Marriage is by Law required; and every Declaration so made as aforesaid shall be signed and subscribed, by the Party making the same, in the Presence of the Superintendent Registrar, or either of the 25 Superintendent Registrars if more than One, to whom the Notice of Marriage containing such Declaration is given, or in the Presence of his Deputy, or of some Registrar of Births and Deaths or of Marriages for the District in which the Party giving such Notice resides, or of the Deputy of such Registrar; and no Certificate or Licence for Mar- 30 riage shall be issued or granted pursuant to any such Notice as aforesaid unless the said Notice be accompanied by such solemn Declaration duly made and signed or subscribed and attested as aforesaid; and every Person who shall knowingly or wilfully make and sign or sub- scribe any false Declaration, or who shall sign any false Notice for the 35 Purpose of procuring any Marriage under the Provisions of any of the said recited Acts, or of this Act, shall suffer the Penalties of Perjury.

Persons
making wil-
fully false
Declarations
to suffer the
Penalties of
Perjury.

Form of
Notice of
Marriage.

III. Every Notice of Marriage which shall be given under the Provisions of any of the said recited Acts, or of this Act, after this Act shall have come into operation, shall be in the Form of Schedule (A.) 40 to this Act annexed, or to the like Effect; and in every Case where the Marriage is intended to be had and solemnized under the Provisions of the said recited Act of the Third and Fourth Years of Her Majesty,

Chapter Seventy-two, such Notice shall, in addition to the several Particulars comprised in the said Schedule, contain the Declaration required to be made by One of the Parties to such intended Marriage, pursuant to the Second Section of the said last-mentioned Act; and the Superintendent Registrar to whom any such Notice of Marriage shall be so given as aforesaid shall forthwith enter the Particulars, and the Date thereof, and the Name of the Party giving the same, into the Marriage Notice Book.

IV. In case any Party shall intend Marriage without Licence
 10 under the Provisions of any of the said recited Acts or of this Act, the Superintendent Registrars to whom Notice of such intended Marriage has been given shall cause a true and exact Copy of the Notice of such intended Marriage as entered in the Marriage Notice Book, under the Hand of such Superintendent Registrars, to be suspended or
 15 affixed in and outside some conspicuous Place in the Office of the said Superintendent Registrars during Twenty-one successive Days before any Marriage shall be solemnized in pursuance of such Notice, and after the Expiration of Twenty-one Days next after the Day of the Entry of such Notice in his "Marriage Notice Book" the Super-
 20 intendent Registrars shall issue under his Hand, upon the Request of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in Schedule (B.) to this Act annexed, provided that in the meantime no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superin-
 25 tendent Registrars, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice
 30 was entered, and that the Issue of such Certificate has not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of One Shilling; and at any Time within Three Calendar Months next after the Day of the Entry of
 35 such Notice the intended Marriage may be solemnized under the Authority of the said Certificate.

Notice of Marriage without Licence to be affixed in and outside Superintendent Registrar's Office.

V. In case of any Party intending Marriage by Licence under the Provisions of any of the said recited Acts or of this Act, Notice of such intended Marriage shall not be suspended in or outside
 40 the Office of the Superintendent Registrar, but the Party giving the same shall state therein that such Marriage is intended to be celebrated by Licence.

Notice of Marriage by Licence not to be suspended in or outside the Office of the Superintendent Registrar.

In case of
Marriage by
Licence
Notice of
Marriage to
be given to
the Super-
intendent
Registrar of
only One
District.

VI. In any Case of Marriage intended to be solemnized by Licence under the Provisions of any of the said recited Acts or of this Act between Parties both of whom do not dwell in the same Superintendent Registrar's District, it shall not be required that Notice of such intended Marriage shall be given to more than One Superin- 5
tendent Registrar, but a Notice to the Superintendent Registrar of the District in which either of the Parties so intending Marriage resides shall be sufficient; and it shall not be required that the said Notice shall state how long each of the said Parties has resided in his or her Dwelling Place, but only how long the Party residing in the 10
District in which the Notice is given has so resided.

Notice of
Marriage
without
Licence
may be given
in Ireland,
if One of the
Parties
reside there.

VII. In every Case in which One of the Parties intending Marriage without Licence under the Provisions of any of the said recited Acts or of this Act shall dwell in Ireland, the Party so dwelling in Ireland shall give Notice in the Form there used in that 15
Behalf or to the like Effect to the Registrar of the District in Ireland within which such Party shall have dwelt for not less than Seven Days then next preceding, and shall state therein the Name and Surname and the Profession or Condition and Age of each of the Parties intending Marriage, and also the Dwelling Place of each of 20
them, and the Time, not being less than Seven Days, during which he or she shall have dwelt therein, and also the Church or other Building in which the Marriage is to be solemnized; provided, that if either Party shall have dwelt in the Place stated in the Notice as his or her Dwelling Place more than One Month, it may be 25
stated that he or she hath dwelt therein One Month and upwards; and such Notice shall be dealt with in the Manner and such Certificate for Marriage shall be given by such Registrar in the Mode respectively prescribed in an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, 30
Chapter Eighty-one, intituled "An Act for Marriages in Ireland, " and for registering such Marriages," as amended by another Act passed in the Session holden in the Ninth and Tenth Years of the same Reign, Chapter Seventy-two, intituled "An Act to amend 35
" the Act for Marriages in Ireland, and for registering such Marriages;" provided, that in such Case the Certificate for Marriage shall not be issued before the Expiration of Twenty-one Days next after the Day of the Entry of such Notice, as in the first of the said Two last-men- 40
tioned Acts is provided; and from and after the issuing of such Certificate the Production of the same to any Person duly authorized under the Provisions of this Act to solemnize a Marriage shall be as valid and effectual for authorizing such Person to solemnize such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in England would be under any or either of
the

the said Three firstly herein-before recited Acts if the Party giving such Notice were resident within such District, and the other Party to such intended Marriage were also resident within another Superintendent Registrar's District in England; and where Marriages have
 5 since the passing of the said Act for Marriages in Ireland, and for registering such Marriages, been solemnized in England between Parties, one of whom was resident in Ireland, under Certificates, of which one was the Certificate of the Registrar of the District in Ireland within which one of the Parties had dwelt for not less than
 10 Seven Days, and the other the Certificate of the Superintendent Registrar of the District in England within which the other Party had dwelt for not less than Seven Days, such Marriages are hereby declared to be and to have been valid in the same Manner as if the Parties had been respectively resident for not less than Seven Days
 15 in the respective Districts of Two Superintendent Registrars in England, and like Certificates had been issued by both such Superintendent Registrars.

VIII. When any Party intending Marriage without Licence under the Provisions of any of the said recited Acts or this Act shall dwell
 20 in Scotland, a Certificate of Proclamation of Banns in Scotland under the Hand of the Session Clerk of the Parish in which such Proclamation shall have been made shall, when produced to any Person duly authorized under the Provisions of this Act to solemnize a Marriage, be as valid and effectual for authorizing such Person to solemnize
 25 such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in England would be, under any or either of the said Three firstly-recited Acts, in reference to a Party resident within such District.

Certificate of Proclamation of Banns in Scotland as to Party resident there equivalent to Superintendent Registrar's Certificate.

IX. Every Superintendent Registrar receiving Notice of an in-
 30 tended Marriage to be solemnized by Licence as aforesaid shall, after the Expiration of One whole Day next after the Day of the Entry of such Notice in his "Marriage Notice Book," issue under his Hand, upon the Request of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in the
 35 said Schedule (B.) to this Act annexed, and also a Licence to marry, provided that in the meantime no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superintendent Registrar, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said
 40 firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice was entered, and that the Issue of such Certificate has

In Cases of Marriage by Licence, Certificate of the Notice thereof may be given by the Superintendent Registrar (unless the Marriage be forbidden), and there-upon the Marriage may be solemnized.

not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of One Shilling; and at any Time within Three Calendar Months next after the Day of the Entry of such Notice the intended Marriage may be solemnized under 5 the Authority of the said Licence.

Form of
Licence to
marry.

X. The Form of a Licence for Marriage so to be granted as aforesaid to any Party or Parties by the Superintendent Registrar of any District as aforesaid shall be in the Form or to the Effect of the Licence set forth in Schedule (C.) to this Act annexed; and for every 10 such Licence the Superintendent Registrar granting the same shall be entitled to have and receive of the Party requiring the same the Sum of One Pound Ten Shillings over and above the Amount paid for the Stamps necessary on granting such Licence.

Mode of
solemnizing
Marriages in
registered
Buildings.

XI. It shall be lawful for the Parties described in any Licence or 15 Certificate for Marriage issued under the Provisions of any of the said recited Acts, or of this Act, and they are hereby authorized to have their Marriage solemnized in the registered Building stated in such Licence or Certificate (as the Case may be) by the Minister who ordinarily officiates in such registered Building, or, with his Consent, 20 by such other Minister as the Parties shall engage for the Purpose, according to the Form and Ceremony (if any such there be) usually adopted or which shall have been prescribed for Adoption on the like Occasions at the said registered Building, or according to such Form or Ceremony as the Minister officiating at the said Marriage shall 25 think fit to adopt: Provided always, that no such Marriage as aforesaid shall be solemnized in any such registered Building without the Consent of the Minister, or of One of the Trustees, Owners, Deacons, or Managers thereof, nor in any Church or Chapel of the United Church of England and Ireland, or of the Church of Rome, without 30 the Consent of the Officiating Minister thereof, any Statute or Statutes to the contrary notwithstanding.

Superin-
tendent
Registrar to
whom Notice
is given may
grant Li-
cence for
Marriage
(under 3 & 4
Vict. c. 72.)
in a District
in which
neither of
the Parties
resides.

XII. When any Marriage is intended to be solemnized between Parties not of the Society of Friends commonly called Quakers, or not professing the Jewish Religion, by Licence under the Pro- 35 visions of the before-recited Act of the Third and Fourth Years of Her Majesty, Chapter Seventy-two, in a registered Building situated in a District within which neither of the Parties resides, it shall be lawful for the Superintendent Registrar to whom Notice of such intended Marriage shall have been given to grant to the Party 40 applying for the same a Licence for such Marriage to be solemnized in the registered Building stated in such Notice; and every Licence

Licence and Certificate granted in pursuance of this Enactment shall be as valid and effectual to all Intents and Purposes as if the same had been granted by the Superintendent Registrar of the District in which the registered Building wherein the Marriage is intended to be
5 solemnized is situated.

XIII. Every Marriage hereafter contracted and solemnized under the Provisions of any of the said recited Acts or of this Act at the Register Office of any District, in the Absence of the Superintendent Registrar thereof, shall be as good and valid to all Intents and Pur-
10 poses as if such Superintendent Registrar had been present thereat, provided the same be contracted and solemnized in the Presence of some Registrar of Marriages acting in and for such District and of Two credible Witnesses, and in all other respects according to such Form and Ceremony as in and by the Twentieth Section of the said
15 first-recited Act are prescribed and directed to be used on the Solemnization of Marriage in a registered Building: Provided also, that if at the Request of the Parties to any intended Marriage at a Register Office the Superintendent Registrar be present thereat, he shall be entitled to have and receive before such Marriage, from the Parties
20 married, a Fee of Ten Shillings if the Marriage be by Licence, and if it be without Licence a Fee of Five Shillings.

Superintendent Registrar's Presence at Marriages in the Register Office to be optional.

Superintendent Registrar entitled to a Fee, if present.

XIV. The Registrar General shall have Power and he is hereby authorized from Time to Time to appoint by Writing under his Hand such Person or Persons as he may think fit, with such Qualifi-
25 cations as the said Registrar General by any general Rule shall have declared to be necessary, to be a Registrar or Registrars of Marriages within the District of any Superintendent Registrar; and every Appointment to be hereafter made by any Superintendent Registrar of any Person or Persons to be a Registrar or
30 Registrars for the Purpose of being present at Marriages to be solemnized under and by virtue of any or either of the said recited Acts or of this Act shall be by Writing under the Hand of such Superintendent Registrar, and shall be subject to the Approval of the Registrar General.

Registrar General may appoint Registrars of Marriages; and Appointment of Registrars of Marriages by Superintendent Registrars to be subject to the Approval of the Registrar General.

XV. Every Registrar of Marriages already appointed or hereafter to be appointed shall be and he is hereby empowered, subject to the Approval of the Registrar General, to appoint, by a Writing under his Hand, a fit Person to be and to act as his Deputy, whensoever he may be authorized or required so to do by any Regulation to be made
40 by the Registrar General; and every such Deputy, while so acting, shall have all the Powers and Duties and be subject to all the Provisions and Penalties in the said recited Acts or any or either of them

Registrar of Marriages may appoint Deputy.

given, imposed, and contained concerning Registrars of Marriages ; and every such Deputy shall hold his Office during the Pleasure of the Registrar by whom he was appointed, but shall be removable by the Registrar General ; and every Registrar of Marriages shall be civilly responsible for the Acts and Omissions of his Deputy ; and in 5 case any Registrar of Marriages shall die, or otherwise cease to hold his Office, his Deputy shall become the Registrar of Marriages in his Place until the Appointment of another Registrar of Marriages shall have been made, and notified to him by the Superintendent Registrar or by the Registrar General, and shall, while continuing such Registrar, 10 have the same Powers and Duties and be subject to the same Provisions and Penalties as any other Registrar of Marriages under this Act.

Proof of the
Observance
of this Act
and of the
recited Acts,
Matters not
necessary to
the Validity
of Marriages.

XVI. After any Marriage shall have been solemnized under the Authority of any of the said recited Acts or of this Act, it shall not be necessary in support of such Marriage to give any Proof of the actual 15 Dwelling or of the Period of Dwelling of either of the Parties previous to the Marriage within the District stated in any Notice of Marriage to be that of his or her Residence, or of the Consent to any Marriage having been given by any Person whose Consent thereto is required by Law, or that the registered Building in which any Marriage may 20 have been solemnized had been certified according to Law as a Place of Religious Worship ; nor shall any Evidence be given to prove the contrary in any Suit or legal Proceedings touching the Validity of such Marriage ; and all Marriages which heretofore have been or which hereafter may be had or solemnized under the Authority 25 of any of the said recited Acts or of this Act in any Building or Place of Worship which has been registered pursuant to the Provisions of the said Act, passed in the Sixth and Seventh Years of His late Majesty King William the Fourth, Chapter Eighty-five but which may not have been certified as required by Law, shall be 30 as valid in all respects as if such Place of Worship had been so certified.

Penalty on
making false
Declaration,
or giving
false Notices.

XVII. Any Person who shall knowingly or wilfully make any false Declaration or sign any false Notice required by this Act for the Purpose of procuring any Marriage, and every Person who 35 shall forbid the granting by any Superintendent Registrar of a Certificate for Marriage by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall suffer the Penalties of Perjury.

40

In case of
fraudulent
Marriages,

XVIII. If any valid Marriage shall be had under the Provisions of any of the said recited Acts or this Act by means of any wilfully false

false Declaration, Notice, or Certificate, made or obtained by either Party to such Marriage, as to any Matter in which a solemn Declaration, Notice, or Certificate is required, it shall be lawful for Her Majesty's Attorney General or Solicitor General to sue
 5 for a Forfeiture of all the Estate and Interest in any Property accruing to the offending Party by such Marriage, and the Proceedings thereupon and the Consequences thereof shall be the same as are provided in the like Case with regard to Marriages solemnized by Licence between Parties under Age according to the Rites of the
 10 Church of England in the Statute passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, Chapter Seventy-six.

the guilty Party to forfeit all Property accruing from the Marriage, as in 4 G. 4. c. 76.

XIX. Any Marriage according to the Usages of the Society of Friends commonly called Quakers or to the Usages of Persons
 15 professing the Jewish Religion respectively, where the Parties thereto are both Members of the said Society or both Persons professing the Jewish Religion respectively, may be solemnized by Licence (which Licence the Superintendent Registrar to whom Notice of the intended Marriage shall have been given is hereby authorized to grant, in the
 20 Form or to the Effect set forth in the said Schedule (C.) to this Act annexed), as effectually in all respects as if such Marriage were solemnized after the Issue of a Certificate by such Superintendent Registrar in the Manner provided by the said recited Acts or any of them; and the Provisions in this present Act contained in relation to the
 25 solemn Declaration to be made by the Party intending Marriage, and to the Statement to be contained in the Notice of such intended Marriage that such Marriage is intended to be celebrated by Licence, and to the Notice to be given of any such intended Marriage by Licence, and to the giving of Certificates in the Form or
 30 to the Effect set forth in Schedule (B.) to this Act annexed, and to the Fee and Stamp to be paid for such Licence, shall be applicable in all respects to every such Marriage to be solemnized by Licence according to the Usages of the said Society, or to the Usages of Persons professing the Jewish Religion respectively.

Marriages of Quakers or Jews may be solemnized by Licence.

35 XX. Every Marriage solemnized under any of the said recited Acts or of this Act shall be good and cognizable in like Manner as Marriages before the passing of the first-recited Act according to the Rites of the Church of England.

Marriages under this Act good and cognizable.

XXI. And whereas in pursuance of an Act passed in the Ses-
 40 sion holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, intituled "An Act to amend the Law relating
 " to the certifying and registering Places of Religious Worship of

Recites the Act of 15 & 16 Vict. c. 36.

[160.]

B

" Protestant

“ Protestant Dissenters,” the Registrars of the several Dioceses and Archdeaconries, and the Clerks of the Peace of the several Counties, Ridings, Divisions, Cities, and Boroughs in England and Wales did, in the Year One thousand eight hundred and fifty-two, make and transmit, as thereby required, to the Registrar General of Births, 5 Deaths, and Marriages in England duly verified Returns of all Places within the Limits of their respective Jurisdictions, which previous to and up to the Time of the passing of the last-mentioned Act had been certified according to Law and registered or recorded as Places of Meeting for Religious Worship: And whereas the total Number of 10 such Places of Meeting so returned to the said Registrar General pursuant to the Provisions of the said Act is Fifty-four thousand eight hundred and four, and it is expedient that for facilitating the Proof of such Places having been duly certified and registered or recorded as aforesaid the Registrar General should be empowered by Law to allow 15 Searches to be made in the said Returns, and to give certified Copies thereof and Extracts therefrom: Be it further enacted, as follows:

Registrar General to allow Searches and give Extracts from the Returns of certified Places of Worship made to him pursuant thereto, on Payment of specified Fees.

The Registrar General, on Payment to him of the several Fees herein-after mentioned, shall allow Searches to be made in the Returns so made to him as aforesaid, and shall give to any Person demanding 20 the same a certified Copy thereof or Extract therefrom with respect to any Place of Meeting for Religious Worship contained therein; and every such certified Copy or Extract shall be sealed or stamped with the Seal of the General Register Office, and when so sealed or stamped as aforesaid, if tendered in Evidence upon any Trial or other 25 judicial Proceeding in any Civil or Criminal Court, shall be received as Evidence of the Place of Meeting therein mentioned or described having been at the Time in that Behalf therein stated duly certified and registered or recorded as by Law required without any further or other Proof of the same; and the Registrar General shall be 30 entitled to demand and receive for every Search in the said Returns extending over a Period of not more than Ten Years the Sum of One Shilling, and for every additional Period of Ten Years the Sum of Sixpence; and the further Sum of Two Shillings and Sixpence for every single certified Copy or Extract. 35

Act not to extend to Ireland or Scotland.

XXII. Save as herein expressly provided, this Act shall not extend to Ireland or Scotland.

Commencement of Act.

XXIII. This Act shall come into operation on the First Day of January One thousand eight hundred and fifty-seven, and none of the Provisions thereof shall take effect previous to that Day. 40

SCHEDULES.

SCHEDULE (A.)

Form of Notice of Marriage.

To the Superintendent Registrar of the District of *Tunbridge* in the County of *Kent*.

I, the undersigned *James Smith*, hereby give you Notice, That a Marriage is intended to be had *by* [*or without, as the Case may be,*] Licence within Three Calendar Months from the Date hereof between me and the other Party herein named and described; (that is to say,)

Name and Surname.	Con- dition.	Rank or Profession.	Age.	Dwelling Place.	Length of Resi- dence.	Church or Building in which the Marriage is to be solemnized.	District and County in which the Parties respectively dwell.
<i>James Smith</i>	<i>Widower</i>	<i>Ironmonger</i>	<i>Twenty- five Years</i>	<i>16, High-St., Hendon, Middlesex.</i>		<i>Sion Chapel, West Street, Tunbridge, Kent.</i>	<i>Hendon, Middlesex.</i>
<i>Martha Green</i>	<i>Spinster</i>		<i>Nineteen Years</i>	<i>Grove Farm, Tunbridge, Kent.</i>	<i>More than a Month.</i>		<i>Tunbridge, Kent.</i>

And I hereby solemnly declare, That I believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that *she*, the above-named *Martha Green*, hath for the Space of *Fifteen* Days immediately preceding the giving of this Notice had *her* usual Place of Abode and Residence within the above-mentioned District of *Tunbridge*.

And I further declare, That the said *Martha Green* is not a Widow, and that *she is* a Minor under the Age of Twenty-one Years, and that the Consent of *George Kilpin*, whose Consent to *her* Marriage is required by Law, has been duly given and obtained thereto [*or* “that there is no Person whose Consent to *her* Marriage is by Law required” (*as the Case may be*)].

And I make the foregoing Declarations solemnly and deliberately, conscientiously believing the same to be true, pursuant to the Provisions of an Act passed in the _____ Year of Her Majesty Queen Victoria, Chapter _____ intituled “An Act to amend “the Provisions of the Marriage Acts relating to Dissenters,” well knowing the Purport and Effect thereof, and that it is provided by the same Act that every Person who shall knowingly or wilfully make and sign or subscribe any false Declaration or who shall sign any false Notice for the Purpose of procuring any Marriage under the Provisions of the said Act above mentioned, or any of the several Acts therein recited, shall suffer the Penalties of Perjury. In witness whereof I have hereunto set and subscribed my Hand, this *Fifth Day of January 1857.*

James Smith.

Signed and declared by the above-named *James Smith* in the Presence of

[Here let the Witness, or Witnesses if more than One, attest the Signature of the Party giving the Notice according to One or other of the following "Examples":—]

Example.	Name of Witness or Witnesses.	Description.	Place of Abode.
1	<i>John Cox</i> - -	<i>Superintendent Registrar of Tunbridge District [or Deputy Superintendent Registrar of Tunbridge District.]</i>	<i>Tunbridge, Kent.</i>
2	<i>Peter Green</i> - -	<i>Registrar of Marriages for the Hendon District.</i>	<i>Hendon, Middlesex.</i>
3	<i>Thomas Jenks</i> - -	<i>Draper</i> - - - - -	<i>Hendon, Middlesex.</i>
	<i>Richard Jones</i> - -	<i>Surgeon</i> - - - - -	<i>Hendon, Middlesex.</i>

SCHEDULE (B.)

Form of Superintendent Registrar's Certificate.

I, *John Cox*, Superintendent Registrar of the District of *Tunbridge* in the County of *Kent*, do hereby certify, That on the *Fifth* Day of *January 1857* Notice was duly entered in the Marriage Notice Book of the said District of the Marriage intended between the Parties therein named and described, and of such Marriage being intended to be solemnized *by* Licence, delivered under the Hand of *James Smith*, One of the Parties; (that is to say,)

Name.	Con- dition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which the Marriage is to be solemnized.	District and County in which the Parties respectively dwell.
<i>James Smith</i>	<i>Widower</i>	<i>Ironmonger</i>	<i>Twenty- five Years.</i>	<i>16, High-st., Hendon, Middlesex.</i>		<i>Sion Chapel, West Street, Tunbridge, Kent.</i>	<i>Hendon, Middlesex.</i>
<i>Martha Green</i>	<i>Spinster</i>		<i>Nine- teen Years.</i>	<i>Grove Farm, Tunbridge, Kent.</i>	<i>More than a Month.</i>		<i>Tunbridge, Kent.</i>

Date of Entry of Notice,
5th January 1857.
Date of Certificate given,
7th January 1857.

The Issue of this Certificate has not been forbidden by any Person authorized to forbid the Issue thereof.

Witness my Hand, this *Seventh* Day of *January 1857*.

(Signed) *John Cox*,
Superintendent Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the *Fifth* Day of *April 1857*.

SCHEDULE (C.)

Form of Superintendent Registrar's Licence for Marriage.

To *James Smith*, of 16, *High Street, Hendon* in the County of *Middlesex*, *Widower*, and *Martha Green*, of *Grove Farm, Tunbridge*, in the County of *Kent*, *Spinster*, I, the undersigned Superintendent Registrar of the District of *Tunbridge* in the said County of *Kent*, send Greeting:—

WHEREAS in pursuance of some or one of the Statutes next hereinafter mentioned made and now in force concerning the contracting and solemnizing of Marriages in England; (that is to say,) an Act passed in the Seventh Year of His late Majesty King William the Fourth, Chapter 85.; an Act passed in the First Year of Her present Majesty, Chapter 22.; an Act passed in the Fourth Year of Her said Majesty, Chapter 72.; and an Act passed in the Year of Her said Majesty, Chapter ; you, the above-mentioned *James Smith* and *Martha Green*, or One of you, have given due Notice of your Intention to enter into a Contract of Marriage, and you are desirous that such Marriage should be speedily performed: And whereas it has been made to appear to my Satisfaction that in regard to your said intended Marriage you have severally in all respects complied with the Provisions and Requirements of the above-mentioned Statutes, so far as such Provisions and Requirements are applicable to and binding upon you or either of you, and no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage being shown to exist: Now therefore I, the said Superintendent Registrar, by virtue of the Power and Authority vested in me in that Behalf, do hereby grant unto you, the aforesaid *James Smith* and *Martha Green*, full Licence and Permission to proceed in due Form of Law to contract and solemnize such Marriage at *Sion Chapel, West Street, Tunbridge, Kent*, at any Time within but not after the Expiration of Three Calendar Months next following the *Fifth Day of January 1857*.

Witness my Hand this *Seventh Day of January 1857*.

John Cox,
Superintendent Registrar of the
above-mentioned District.

Dissenters Marriages.

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON SECOND AND THIRD RE-COMMITMENTS]

To amend the Provisions of the Marriage Acts relating to Dissenters.

(*Prepared and brought in by*
Mr. Pellatt, Mr. Cleeveham, and Mr. Hadfield.)

Ordered, by The House of Commons, to be Printed,
4 June 1856.

[Bill 160.]

Under 3 oz.



A

B I L L

TO

Permit the Use of Rice in the Distillation of Spirits.

WHEREAS under and by virtue of the Laws now in force relating to the Distillation of Spirits licensed Distillers may lawfully make or brew Worts or Wash and distil Spirits from Malt, Corn, or Grain, or any Mixture thereof, or from
5 Potatoes only, or from Mangel Wurzel only, or from Sugar, Molasses, or Treacle, or any Mixture thereof, either alone or with Malt, Corn, or Grain: And whereas it is expedient to permit the Distillation of Spirits from Rice, or from any Mixture of all or any of the Articles or Materials aforesaid with or without Rice: Be it therefore enacted by the
10 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. From and after the *passing of this Act*, it shall be lawful for any
15 licensed Distiller in any Part of the United Kingdom to make or brew Worts or Wash and to distil Spirits from Rice, or from any of the several Articles or Materials aforesaid, or from any Mixture of all or any of the same, with or without Rice, anything contained in any former Act or Acts to the contrary notwithstanding.
- From what Materials Spirits may be distilled.

[Bill 208.]

II. Pro-

How Duty
to be charged
in respect of
Sugar used
with other
Materials.

II. Provided always, That where Sugar mixed with all or any of the other Materials aforesaid shall be used in the Distillation of Spirits, the Distiller shall be chargeable and charged with the Duty on Spirits in respect of such Sugar in the Manner and after the Rate or Proportion specified in the Third Section of the Act passed in the Eleventh and Twelfth Years of Her Majesty's Reign, Chapter One hundred, with regard to Sugar used with any Mixture of Grain, Molasses, and Treacle. 5

Distillation from Rice.

A

BILL

To permit the Use of Rice in the Distillation of Spirits.

(Prepared and brought in by
Mr. Wilson and the Chancellor of the Exchequer.)

*Ordered, by The House of Commons, to be Printed,
27 June 1856.*

[Bill 208.]

Under 1 oz.

Divorce and Matrimonial Causes Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

I.—MISCELLANEOUS CLAUSES.

Short Title of Act; Sect. 1.

Commencement of Act; 2.

II.—TRANSFER OF EXISTING JURISDICTION.

Jurisdiction now vested in Ecclesiastical Courts to cease and determine; 3.

The Court may enforce prior Decrees or Orders; 4.

Pending Suits; 5.

CONSTITUTION OF THE COURT OF DIVORCE.

Jurisdiction over Causes Matrimonial to be exercised by the Court of Divorce; 6.

Judges of the Court; 7.

Authority of the Judge Ordinary; 8.

Judge to take Oath; 9.

Who to act as Judge during Absence of the Judge Ordinary; 10.

Sittings of the Court of Divorce; 11.

The Seal of the Court of Divorce; 12.

Officers of the Court of Divorce; 13.

Jurisdiction of the Court.

Court of Divorce to act on Principles of the Ecclesiastical Courts; 14.

Desertion of Wife; 15.

Court of Divorce may direct Payment of Alimony to Wife or Trustee; 16.

Where Wife obtains Divorce she shall be considered with respect to Property as a Feme Sole; 17.

For Purposes of Contract and suing, &c. Wife to be considered as a Feme Sole, &c.; 18.

[Bill 221.]

A

Adultery

Adultery of Wife. Incest of Husband. Bigamy. Adultery and Cruelty. Adultery and Desertion; 19.
 Court to be satisfied of Absence of Collusion; 20.
 Dismissal of Petition; 21.
 Decree dissolving Marriage; 22.
 Alimony; 23.
 Liberty to Parties to marry again; 24.
 Custody of Children; 25.

Procedure and Practice.

Issues may be tried before the Court of Divorce; 26.
 Court of Divorce may direct Issues to try any Fact; 27.
 Affidavit in support of a Petition; 28.
 Service of Petition; 29.
 Examination of Petitioner; 30.
 Adjournment; 31.
 Evidence by Affidavit; 32.
 Evidence; 33.
 Proceedings on Commission; 34.

WITNESSES IN THE COURT OF DIVORCE.

Attendance of Witnesses on the Court of Divorce; 35.
 Witnesses to be sworn; 36.
 Penalties for false Evidence; 37.

COPIES OF RECORDS.

Copies of Records, &c. when required for the Purposes of this Act; 38.

EXTENT OF PROCESS.

Extent of Process under this Act; 39.

COSTS.

Costs; 40.

PRACTITIONERS.

Practitioners; 41.
 Enforcement of Orders and Decrees; 42.
 Power to make Rules and Orders, and to regulate Fees; 43.

Court

Court of Appeal.

Parties dissatisfied with Decisions may appeal to the House of Lords ; 44.

TRANSMISSION OF RECORDS.

Letters Patent, Records, &c. to be transmitted from all Ecclesiastical Courts ; 45.

ANNUAL REPORT, &c.

Annual Report of Business, Receipts and Disbursements, in the Court of Divorce ; 46.



A

B I L L

INTITULED

An Act to transfer the Jurisdiction in Matrimonial Causes, and to establish a Court of Divorce.

[*Note.*—The Words printed in Red Ink are proposed to be inserted in Committee.]

WHEREAS it is expedient to alter and amend the Laws Preamble.
relating to Divorce, to transfer the Jurisdiction in Matters
Matrimonial, to constitute a Court of Divorce, and to
enable married Persons in certain Cases to obtain a Decree dis-
5 solving their Marriage, and enabling them to marry again: Be it
therefore enacted by the Queen's most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, as follows:

10

I.—MISCELLANEOUS CLAUSES.

I. Act may be cited as "The Divorce Act, 1856."

Short Title
of Act.

II. Act shall come into operation on the First Day of January One
thousand eight hundred and fifty-seven.

Commence-
ment of Act.

II.—TRANSFER OF EXISTING JURISDICTION.

15

III. From and after a Day to be named by Her Majesty by
Order in Council, not sooner than the First Day of January One
thousand eight hundred and fifty-seven, all Jurisdiction now vested in

Jurisdiction
now vested
in Ecclesias-
tical Courts

[Bill 221.]

A 3

or

to cease and
determine.

or exerciseable by any Ecclesiastical Court or Person in England in respect of Divorces à Mensâ et Thoro, Suits of Nullity of Marriage, Suits of Jactitation of Marriage, Suits for Restitution of Conjugal Rights, and all Jurisdiction in Matters Matrimonial, shall cease and determine, except so far as relates to the granting of Marriage 5
Licences which may be granted as if this Act had not passed.

The Court
may enforce
prior Decrees
or Orders.

IV. Any Decree or Order of any Ecclesiastical Court of competent Jurisdiction which shall have been made before this Act comes into operation, in any Cause or Matter Matrimonial, may be enforced or otherwise dealt with by the Court of Divorce herein-after mentioned, in the same Way as if it had been originally made by the said Court under this Act. 10

Pending
Suits.

V. All Suits and Proceedings for obtaining any such Decree or Order which at the Time of this Act coming into operation shall be pending in any Ecclesiastical Court in England shall be transferred 15
to, dealt with, and decided by the said Court of Divorce as if the same had been originally instituted in the said Court.

CONSTITUTION OF THE COURT OF DIVORCE.

Jurisdiction
over Causes
Matrimonial
to be exer-
cised by the
Court of
Divorce.

VI. After the Day so to be named, all Jurisdiction now vested in or exerciseable by any Ecclesiastical Court or Person in England in 20
respect of Divorces à Mensâ et Thoro, Suits of Nullity of Marriage, Suits for Restitution of Conjugal Rights and otherwise, in Matters Matrimonial, except in respect of Marriage Licences, shall belong to and be vested in Her Majesty, and shall be exercised in the Name of Her Majesty in a Court of Record to be called "The Court of 25
Divorce:" Provided always, that after such Day no Suit shall be entertained for Jactitation of Marriage.

Judges of the
Court.

VII. The Lord Chancellor, the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, the Lord Chief Baron of the Court of Exchequer, and the 30
Dean of the Arches shall be the Judges of the said Court of Divorce, and any Three of them, of whom the Dean of the Arches shall be One, shall be a Quorum.

Authority of
the Judge
Ordinary.

VIII. The Dean of the Arches shall be called the Judge Ordinary of the said Court of Divorce, and shall have full Authority, without 35
the Concurrence of any other Judge thereof, to hear and determine all Matters arising therein, or by this Act authorized to be done, except Petitions for the dissolving of any Marriage.

IX. Every

IX. Every Judge of the Court of Divorce shall, before executing any of the Duties of his Office, take the following Oath: Judge to take Oath.

‘ I A.B. do solemnly and sincerely promise and swear, That I will
 ‘ duly and faithfully, and to the best of my Skill and Power,
 5 ‘ execute the Office of Judge of Her Majesty’s Court of Divorce.
 ‘ So help me GOD.’

X. During the temporary Absence of the Judge Ordinary, the Lord Chancellor may direct the Master of the Rolls, if he consent thereto, or any Judge of the Superior Courts, if he consent thereto, Who to act as Judge during Absence of the Judge Ordinary.
 10 or any of the Vice-Chancellors of the Court of Chancery, to act as Judge Ordinary of the Court of Divorce, and the Master of the Rolls, Vice-Chancellor, or Judge of the Superior Courts shall, when so acting, have and exercise all the Jurisdiction, Power, and Authority which might have been exercised by the Judge Ordinary alone.

XI. The Court of Divorce shall hold its Sittings at such Place Sittings of the Court of Divorce.
 or Places in London or Middlesex or elsewhere as Her Majesty in Council shall from Time to Time appoint.

XII. The Lord Chancellor shall direct a proper Seal to be made The Seal of the Court of Divorce.
 20 for the Court of Divorce, and may direct the same to be broken, altered, and renewed, at his Discretion.

XIII. The Registrars and other Officers of the Court of Arches shall attend the Sittings of the Court of Divorce, and assist in the Proceedings thereof, as shall be directed by the Rules and Orders under this Act. Officers of the Court of Divorce.

25 *Jurisdiction of the Court.*

XIV. In all Suits and Proceedings, other than Proceedings to dissolve any Marriage, the Court of Divorce shall proceed and act and give Relief on Principles and Rules which in the Opinion of the said Court shall be as nearly as may be conformable to the Principles Court of Divorce to act on Principles of the Ecclesiastical Courts.
 30 and Rules on which the Ecclesiastical Courts have heretofore acted and given Relief, but subject to the Rules and Orders under this Act.

XV. Any Wife may present a Petition to the said Court complaining that she has been deserted by her Husband, and the Court, Desertion of Wife.
 35 on being satisfied of the Truth of such Allegation, and that such Desertion has continued without reasonable Excuse for Two Years or upwards, may, if it shall see fit, make an Order for Payment to her of Alimony, in the same Way as on a Decree for a Divorce à

Mensâ et Thoro, and such Order shall remain in force until the said Court shall make Order to the contrary.

Court of
Divorce
may direct
Payment of
Alimony to
Wife or
Trustee.

XVI. In all Cases in which the said Court shall make any Decree or Order for Alimony, it may direct the same to be paid either to the Wife herself or to any Trustee on her Behalf, to be approved by the Court, and may impose Terms as to the giving Indemnity to the Husband, and any other Terms or Restrictions which to the said Court may seem expedient.

Where
Wife obtains
Divorce
she shall be
considered
with respect
to Property
as a Feme
Sole.

XVII. In every Case of a Divorce à Mensâ et Thoro obtained on the Petition of the Wife, the Wife shall, as from the Date of the Sentence, and whilst the Separation shall continue, be considered, with respect to Property of every Description which she may afterwards acquire or which may come to or devolve upon her, as a Feme Sole, subject nevertheless to any Settlement or Agreement made before Marriage; and such Property may be disposed of by her in all respects as a Feme Sole, and on her Decease the same shall, in case she shall die intestate, go as the same would have gone if her Husband had been then dead; provided, that if any such Wife should again cohabit with her Husband, all such Property as she may then be entitled to shall be held to her separate Use, and the same shall be settled accordingly, subject however to any Agreement in Writing made between herself and her Husband whilst separate.

For Purposes
of Contract
and suing,
&c., Wife to
be con-
sidered as a
Feme Sole,
&c.

XVIII. In every Case of a Divorce à Mensâ et Thoro obtained on the Petition of the Wife, she shall, whilst so separated, be considered as a Feme Sole for the Purposes of Contract and suing and being sued in any Civil Proceeding; and her Husband shall not be liable in respect of any Engagement or Contract she may have entered into, or for any Costs she may incur as Plaintiff or Defendant; provided, that where upon such Separation Alimony has been decreed to the Wife, and the same shall not be duly paid by the Husband, he shall be liable for Necessaries supplied for her Use; provided also, that nothing shall prevent the Wife from executing, at any Time during such Separation, any joint Power given to herself and her Husband.

Adultery of
Wife.

XIX. It shall be lawful for any Husband to present a Petition to the Court of Divorce, praying that his Marriage may be dissolved on the Ground that his Wife has since the Celebration thereof been guilty of Adultery; and it shall be lawful for any Wife to present a Petition to the said Court, praying that her Marriage may be dissolved, on the Ground that since the Celebration thereof her Husband

Incest of
Husband.

Husband has been guilty of incestuous Adultery, or of Bigamy, or of Adultery with such Cruelty as without Adultery would have entitled her to a Divorce à Mensâ et Thoro, or of Adultery with Desertion; without reasonable Excuse, for Four Years or upwards; and every
 5 such Petition shall state as distinctly as the Nature of the Case permits the Facts on which the Claim to have such Marriage dissolved is founded: Provided always, that for the Purposes of this Act incestuous Adultery shall be taken to mean Adultery committed by a Husband with a Woman with whom, if his Wife were dead, he could
 10 not lawfully contract Marriage, by reason of her being within the prohibited Degrees of Consanguinity or Affinity.

XX. Upon the Hearing of any such Petition it shall be the Duty of the Court to satisfy itself, so far as it reasonably can, not only as to the Fact of the Adultery, but also that the Petitioner
 15 has not been in any Manner accessory to or conniving at and has not condoned the same, and that no Counter-charge of Adultery has been proved against the Petitioner.

Court to be satisfied of Absence of Collusion.

XXI. In case the Court, on the Hearing of any such Petition, shall not be satisfied that the alleged Adultery has been committed, or
 20 shall be satisfied that the Petitioner has during the Marriage been guilty of Adultery, or was accessory to or conniving at the Adultery complained of, or has pardoned the Party guilty thereof, then and in any of the said Cases the said Court shall dismiss the said Petition.

Dismissal of Petition.

XXII. In case the Court shall be satisfied on the Evidence that
 25 the Case of the Petitioner has been proved, and shall not be satisfied that the complaining Party has committed Adultery during the Marriage, or was in any Manner accessory to or conniving at the Adultery complained of, and shall also be satisfied that such Adultery has not after the Commission thereof been pardoned by the Petitioner, then the said Court shall pronounce a Decree declaring such
 30 Marriage to be dissolved: Provided always, that the said Court shall not be bound to pronounce such Decree if the Petitioner shall, in the Opinion of the said Court, have been guilty of unreasonable Delay in presenting or prosecuting such Petition, or of Cruelty
 35 towards the other Party to the Marriage.

Decree dissolving Marriage.

XXIII. The Court may, if it shall think fit, on any such Decree made on the Petition of a Husband, make it a Condition thereof that the Petitioner shall to the Satisfaction of the Court secure to the Wife such gross Sum of Money, or such annual Sum of
 40 Money for any Term not exceeding her own Life, as, having regard to her Fortune (if any), to the Ability of the Husband, and

Alimony.

to the Conduct of the Parties, it shall deem reasonable, and for that Purpose may refer it to any One of the Conveyancing Counsel of the Court of Chancery to settle and approve of a proper Deed or Instrument to be executed by the Petitioner and other necessary Parties; and the said Court may in such Case, if it shall see fit, suspend 5 the pronouncing of its Decree until such Deed shall have been duly executed.

Liberty to
Parties to
marry again.

XXIV. When the Time hereby limited for appealing against any Decree dissolving a Marriage shall have expired, and no Appeal shall have been presented against such Decree, or if in the Result of any 10 Appeal such Marriage shall be declared to be dissolved, but not sooner, it shall be lawful for the Parties thereto to marry again, as if the prior Marriage had been dissolved by the Death of the other Party thereto: Provided always, that it shall not be lawful for a Husband or Wife who shall have been found guilty of Adultery to 15 intermarry with any Woman or Man with whom the Adultery has been proved to have been committed.

Custody of
Children.

XXV. In any Suit or other Proceeding for obtaining a Divorce à Mensâ et Thoro, or a Decree of Nullity of Marriage, and on any Petition for dissolving a Marriage, the Court may from Time to 20 Time, before making its final Decree, make such interim Orders, and may make such Provision in the final Decree, as it may deem just and proper with respect to the Custody, Maintenance, and Education of the Children the Marriage of whose Parents is the Subject of such Suit or other Proceeding, and may, if it shall think 25 fit, direct Proceedings to be taken for placing such Children under the Protection of the Court of Chancery.

Procedure and Practice.

Issues may
be tried
before the
Court of
Divorce.

XXVI. In Issues or Questions of Fact arising in Suits under this Act, it shall be lawful for but not obligatory upon the Court 30 to direct the Truth thereof to be determined before itself by the Verdict of a Special or Common Jury. For the Trial of such Issues the Special or Common Jury shall, in pursuance of a Precept by the Court directed to the Sheriff of Middlesex, be by the said Sheriff impanelled, struck, and summoned before the Court, and be subject to 35 the same Penalties as if such Juries were impanelled, struck, and summoned for the Trial of Issues at the Sittings at Nisi Prius for Westminster. The Special or Common Jury so summoned to appear before the Court shall be subject to the same Penalties, and be liable to be challenged for the same Causes and by the same Persons, and 40 shall try the Matter in Issue, and give a Verdict thereon, as if such Issues were tried at the Sittings at Nisi Prius for Westminster.

XXVII. It

XXVII. It shall be lawful for the Court to direct One or more feigned Issue or Issues to be tried in any Court of Common Law, and either before a Judge of Assize or at the Sittings for the Trial of Issues in London or Middlesex, and either by a Special or Common Jury, in like Manner as is now done by the Court of Chancery.

Court of Divorce may direct Issues to try any Fact.

XXVIII. Every Person seeking a Decree of Nullity of Marriage, or a Divorce à Mensâ et Thoro, or a Dissolution of Marriage, shall, together with the Petition or other Application for the same, file an Affidavit stating that the Allegations therein contained are true, to the best of the Deponent's Belief, and that there is not any Collusion or Connivance between the Deponent and the other Party to the Marriage.

Affidavit in support of a Petition.

XXIX. Every such Petition shall be served on the Party to be affected thereby either within or without Her Majesty's Dominions, in such Manner as the Court shall by any General or Special Order from Time to Time direct: Provided always, that the said Court may dispense with such Service altogether, in case it shall seem necessary or expedient so to do.

Service of Petition.

XXX. The Court may, if it shall think fit, order the Attendance of the Petitioner, and may examine him or her or permit him or her to be examined or cross-examined on the Hearing of any Petition, but no such Petitioner shall be bound to answer any Question tending to show that he or she has been guilty of Adultery.

Examination of Petitioner.

XXXI. The Court may from Time to Time adjourn the Hearing of any such Petition, and may require further Evidence thereon, if it shall see fit so to do.

Adjournment.

XXXII. The Court may, if it shall think fit, allow any of the Matters stated in the said Petition to be verified by Affidavit or solemn Declaration.

Evidence by Affidavit.

XXXIII. The Evidence on every such Petition shall be given viva voce, unless in any Case the said Court shall think it necessary or expedient to permit the same to be taken by Commission, and in such Case it shall be lawful for the said Court to issue a Commission or Commissions for the Purpose of taking Evidence as to all or any of the Matters in question in the said Petition.

Evidence.

XXXIV. Every such Commission shall be issued under the Seal of the Court, and the Proceedings therein shall be conducted in the same Way as Proceedings in the Superior Courts of Common Law under the Provisions of the Act of the First Year of the Reign

Proceedings on Commission.

of King William the Fourth, Chapter Twenty-two, except so far as may be otherwise directed by any General or Special Order or Orders of the said Court.

WITNESSES IN THE COURT OF DIVORCE.

Attendance
of Witnesses
on the Court
of Divorce.

XXXV. The Court of Divorce may; under the Seal of the 5 Court, issue Writs of Subpœna or Subpœna duces tecum, commanding the Attendance of Witnesses at such Time and Place as shall be therein expressed; and such Writs may be served in any Part of Great Britain or Ireland; and every Person served with such Writ shall be bound to attend and give Evidence in obedience thereto, 10 in the same Manner as if it had been a Writ of Subpœna or Subpœna duces tecum issued from any of the Superior Courts of Common Law in a Cause pending therein, and served in England or Ireland, as the Case may be.

Witnesses to
be sworn.

XXXVI. All Witnesses examined before the Court of Divorce, 15 on any Petition, Suit, or other Proceeding under this Act, or on any such Commission as aforesaid, shall before giving their Evidence be sworn to speak the Truth, except in the Case of Persons by Law exempted from the Obligation of being sworn upon Trials at Nisi Prius, all which Persons may give their Evidence upon their 20 solemn Affirmation in the same Way as on such Trials.

Penalties
for false
Evidence.

XXXVII. All Persons wilfully deposing or affirming falsely in any Proceeding before the Court of Divorce shall be deemed to be guilty of Perjury, and shall be liable to all the Pains and Penalties attached thereto. 25

COPIES OF RECORDS.

Copies of
Records, &c.
when re-
quired for
the Purposes
of this Act.

XXXVIII. If any Copy of or Extract from any Charter, Deed, Decree, Report, Record, Licence, or other Document deposited in any of the Offices under the Control of any Court of Law or Equity or Ecclesiastical Court, or preserved in any public Registry, shall 30 be required for the Purposes of this Act, the Officer having the Custody of such Charter, Deed, Decree, Report, Record, Licence, or other Document shall, upon an Order signed by the Lord Chancellor, furnish such Copy or Extract as shall be so required, and no such Copy or Extract shall be liable to Stamp Duty. 35

EXTENT OF PROCESS.

Extent of
Process
under this
Act.

XXXIX. Any Commission for the Examination of Witnesses issued under this Act may be executed in any Place either within or without Her Majesty's Dominions as the said Court may direct, and the Process issuing out of the Court of Divorce, as directed by 40 this

this Act, shall extend to and be executed and have Effect throughout the United Kingdom of Great Britain and Ireland, and the Isles of Man, Guernsey, Jersey, Sark, and Alderney.

COSTS.

5 XL. The Court, on the Hearing of any Suit, Proceeding, or Costs.
Petition under this Act, and the House of Lords on the Hearing of
any Appeal under this Act, may make such Order as to Costs as to
such Court or House respectively may seem just: Provided always,
that there shall be no Appeal on the Subject of Costs only.

1 **PRACTITIONERS.**

XLII. All Persons who have been admitted to practise as Practition-
Advocates or Proctors respectively in any Ecclesiastical Court in ers.
England, as well as all Barristers, Attornies, and Solicitors now
entitled to practise in the Superior Courts at Westminster, shall be
15 entitled to practise as Counsel, Solicitors, or Attornies respectively in
the Court of Divorce, subject to such Regulations as may be made
by the said Court.

XLIII. All Decrees and Orders to be made by the Court of Enforcement
Divorce in any Suit, Proceeding, or Petition to be instituted under of Orders
20 Authority of this Act shall be enforced and put in execution in the and Decrees.
same or the like Manner as the Judgments, Orders, and Decrees
of the Superior Courts of Law and Equity at Westminster may be
now enforced and put in execution.

XLIII. The Court shall make such Rules and Regulations of Power to
25 Practice as it may from Time to Time consider expedient, and make Rules
shall have full Power to revoke or alter the same from Time to and Orders,
Time, and shall also have full Power to fix and regulate from Time late Fees.
to Time the Fees payable upon all Proceedings before it, all which
Fees shall be applied in such Manner as the said Court shall from
30 Time to Time direct.

Court of Appeal.

XLIV. Either Party dissatisfied with the Decision of the Judge Parties dis-
Ordinary in any Matters which he is hereby authorized to decide may, satisfied with
within Three Months after the pronouncing thereof, appeal therefrom Decision
35 to the Court of Divorce, whose Decision shall be final. Either Party may appeal
dissatisfied with the Decision of the Court of Divorce on any Petition to the House
for the Dissolution of a Marriage may, within Three Months after of Lords.
the pronouncing thereof, appeal therefrom to the House of Lords, if
Parliament be then sitting, or if Parliament be not sitting at the

End of such Three Months, then within Fourteen Days next after its meeting ; but no such Appeal to the House of Lords shall be had on any Matter except on a Question of Law to be stated in a Case to be prepared by the Party appealing and approved of by the Court of Divorce, and on the Hearing of any such Appeal the House of Lords 5 may either dismiss the Appeal, or remit the Case to the Court of Divorce, to be dealt with in all respects as the House of Lords shall direct.

TRANSMISSION OF RECORDS.

Letters
Patent,
Records, &c.
to be trans-
mitted from
all Ecclesias-
tical Courts.

XLV. Any One of Her Majesty's Principal Secretaries of State 10 may order every Judge, Registrar, or other Officer of any Ecclesiastical Court in England or the Isle of Man, or any other Person having the public Custody of or Control over any Letters Patent, Records, Deeds, Processes, Acts, Proceedings, Books, Documents, or other Instrument relating to Marriages, or to Suits for Divorce, 15 Nullity of Marriage, Restitution of Conjugal Rights, or to any other Matters or Causes Matrimonial, except Marriage Licences, to transmit the same, at such Times and in such Manner, to such Places in London or Westminster, and under such Regulations, as the said Secretary of State may appoint ; and if any Judge, Registrar, Officer, 20 or other Person shall wilfully disobey such Order he shall for the First Offence forfeit the Sum of One hundred Pounds, to be recoverable by the Registrar of the Court of Arches as a Debt under this Act in any of the Superior Courts at Westminster, and for the Second and subsequent Offences the Judge Ordinary may commit the Person 25 so offending to Prison for any Period not exceeding Three Calendar Months, provided that the Warrant of Committal be countersigned by One of Her Majesty's Principal Secretaries of State, and the said Persons so offending shall forfeit all Claim to Compensation under this Act. 30

ANNUAL REPORT, &c.

Annual
Report of
Business,
Receipts and
Disburse-
ments, in the
Court of
Divorce.

XLVI. The Judges of the Court of Divorce shall in the Month of April in every Year make or cause to be made, and transmit or cause to be transmitted to the Queen in Council, a Report of the Business transacted by the said Court, and a Copy of the Rules and Orders, 35 if any, made under this Act, in respect of the said Court, during the then last preceding Year, and also an Abstract of the Receipts and Disbursements of the said Court during such Period.

Divorce and Matrimonial Causes.

A

B I L L

INTITLED

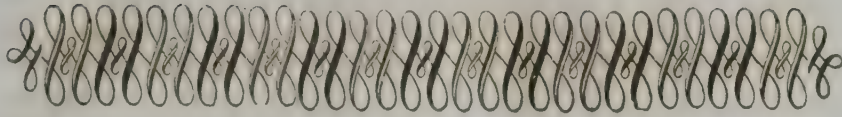
An Act to transfer the Jurisdiction in Matrimonial Causes, and to establish a Court of Divorce.

(*Brought from the Lords 4 July 1856.*)

*Ordered, by The House of Commons, to be Printed,
4 July 1856.*

[Bill 221.]

Under 2 oz.



A

B I L L

TO

Amend the Law relating to Drafts on Bankers.

- W**HEREAS Doubts have arisen as to the Obligations of Preamble.
Bankers with respect to cross-written Drafts: And whereas
it would conduce to the Ease of Commerce, the Security
of Property, and the Prevention of Crime, if Holders of Drafts on
5 Bankers payable to Bearer on Demand were enabled effectually to
direct the Payment of the same to be made only to their own or some
other Banker: Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
10 and by the Authority of the same, as follows:
- I. In every Case where a Draft on any Banker made payable to Cheque
Bearer on Demand bears across its Face an Addition, in written or crossed with
stamped Letters, of the Name of any Banker, such Draft shall be Banker's
payable only to the Banker whose Name is so added. Name
- 15 II. Where such a Draft bears across its Face an Addition of the Crossed
Words "and Company," or any other Words, in full or abbreviated, "and Co."
by which it may be reasonably understood that it is intended that
such Draft is to be paid to some Banker, such Draft shall be payable
only to some Banker.

[Bill 49.]

III. Where

Repeatedly
crossed.

III. Where such a Draft bears across its Face an Addition of the Names of Two or more Bankers, not being Partners, so that it may reasonably be doubted to which of such Bankers it is intended that such Draft is to be paid, the Banker on whom such Draft is made may, at his Discretion, refuse Payment thereof, notwithstanding that 5 he have in his Hands Funds of the Drawer sufficient to pay the same, and such Banker shall not be liable to be sued for any Damage incurred by reason of such Refusal.

Construc-
tion.

IV. In the Construction of this Act the Word "Banker" shall include any Person or Persons or Corporation, or Joint Stock or 10 other Company, acting as a Banker or Bankers.

Drafts on Bankers.

A

B I L L

To amend the Law relating to Drafts on Bankers.

(*Prepared and brought in by
Mr. Pelatt, Mr. Wilkinson, and Mr. Hadfield.*)

*Ordered, by The House of Commons, to be Printed,
25 February 1856.*

[Bill 49.]

Under 1 oz.

25 February 1856. 19 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to Drafts on Bankers.

WHEREAS Doubts have arisen as to the Obligations of Preamble.
Bankers with respect to cross-written Drafts: And whereas
it would conduce to the Ease of Commerce, the Security
of Property, and the Prevention of Crime, if Drawers or Holders of
5 Drafts on Bankers payable to Bearer or to Order on Demand were
enabled effectually to direct the Payment of the same to be made
only to or through some Banker: Be it therefore enacted by the
Queen's most Excellent Majesty, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this present
10 Parliament assembled, and by the Authority of the same, as follows:

I. In every Case where a Draft on any Banker made payable to
Bearer or to Order on Demand bears across its Face an Addition, in
written or stamped Letters, of the Name of any Banker, or of
the Words "and Company," in full or abbreviated, either of such
15 Additions shall have the Force of a Direction to the Bankers upon
whom such Draft is made that the same is to be paid only to or through
some Banker, and the same shall be payable only to or through some
Banker.

[Bill 89.]

II. In

Construc-
tion.

II. In the Construction of this Act the Word "Banker" shall include any Person or Persons or Corporation, or Joint Stock or other Company, acting as a Banker or Bankers.

Drafts on Bankers.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law relating to Drafts on Bankers.

(Prepared and brought in by
Mr. Pellatt, Mr. Wilkinson, and Mr. Hadfield.)

*Ordered, by The House of Commons, to be Printed,
7 April 1856.*

[Bill 89.]

Under 1 oz.

Drainage Advances Acts Amendment Bill.

ARRANGEMENT OF CLAUSES.

9 & 10 Vict. c. 101. ss. 8. & 17. repealed. If Commissioners think an Advance expedient, they may issue a Provisional Certificate, with the Sanction of the Treasury. Expenses of Investigation may be charged upon the Land, if Commissioners shall think fit; Sect. 1.

9 & 10 Vict. c. 101. s. 28. and 10 Vict. c. 11. s. 6. repealed. Commissioners, when satisfied of the Execution of the Works, may issue Certificate for an Advance under this Act; 2.

Treasury may direct Advances to be made; 3.

Commencement of Rentcharges; 4.

9 & 10 Vict. c. 101. s. 29. repealed. Commissioners to deliver Certificate to Owner of Land in Scotland; 5.

As regards Lands in Ireland, a Memorial of the Certificate shall be registered in the Register Office in Dublin; 6.

Certificates of Advance to be kept by Commissioners; 7.

Upon Apportionment, Part of Lands may be freed from Rentcharge; 8.

Repeal of Part of s. 2. of 10 Vict. c. 10.; Commissioners may authorize Deviation; 9.

Construction of "Commissioners;" 10.

Commissioners to appoint Substitute in certain Cases; 11.

Act to apply to all Cases, whatever Date of Provisional Certificates; 12.

Acts to be read together; 13.

Short Title of Act; 14.

14 February 1856. 19 VICT.



A

B I L L

TO

Amend the Acts relating to the Advance of Public
Money to promote the Improvement of Land.

WHEREAS Acts authorizing and regulating the Advance of Preamble.
Money for the Improvement of Land were passed in the
Sessions of Parliament holden in the Ninth and Tenth 9 & 10 Vict.
Years of the Reign of Her Majesty, Chapter One hundred and one, c. 101.
5 in the Tenth and Eleventh Years of Her Majesty, Chapter Eleven, 10 & 11 Vict.
in the Eleventh and Twelfth Years of Her Majesty, Chapter One c. 11.
hundred and nineteen, in the Twelfth and Thirteenth Years of Her 11 & 12 Vict.
Majesty, Chapter One hundred, in the Thirteenth and Fourteenth c. 119.
Years of Her Majesty, Chapter Thirty-one, and in the Fourteenth 12 & 13 Vict.
and Fifteenth Years of Her Majesty, Chapter Ninety-one: And whereas c. 100.
10 it is expedient that the Provisions of the said Acts should be 13 & 14 Vict.
amended: Be it enacted by the Queen's most Excellent Majesty, by c. 31.
and with the Advice and Consent of the Lords Spiritual and Tem- 14 & 15 Vict.
poral, and Commons, in this present Parliament assembled, and by the c. 91.
15 Authority of the same, as follows:

I. Sections Eight and Seventeen of the said Act of the Ninth and 9 & 10 Vict.
Tenth Years of Her Majesty, Chapter One hundred and one, shall c. 101.,
be repealed, and the said Act shall be read as if the following Enact- ss. 8. & 17.
ment repealed

[35.]

A

ment

If Commissioners think an Advance expedient, they may issue a Provisional Certificate, with the Sanction of the Treasury.

Expenses of Investigation may be charged upon the Land, if Commissioners shall think fit.

ment had been therein inserted instead of the said Section Seventeen; that is to say, If the Commissioners shall think that an Advance in respect of the whole or of a proportional Part of the Cost of such Works would be expedient, they may apply to the Commissioners of the Treasury for their Sanction for them to issue to the Owner of Land by 5 whom such Application shall have been made, or, in case his Interest shall have determined, to the Owner of such Land for the Time being, a Provisional Certificate, and such Provisional Certificate shall declare that upon its being shown to the Satisfaction of the Commissioners that the proposed Works have been executed according to the Plan 10 and Specification annexed to the Report of the Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively, in a substantial and durable Manner, the Commissioners will cause an Advance to be issued to an Amount not exceeding the Amount of the whole or of such proportional Part as in such Provisional Certificate shall be expressed of the Expenses which shall have been actually incurred 15 in such Drainage, but limited not to exceed a certain Sum in such Provisional Certificate to be expressed: Provided always, that in case the Commissioners, upon the Investigation of such Application, shall be of opinion that the Amount and Permanence of the Improvement which will be effected by the proposed Drainage in the annual 20 Value of the Land will be such that all or a Part of the Expenses of the Investigation of the Application, and of the Expenses of inspecting and ascertaining the due Execution of the Works, should be a Charge on the Land to which the Application shall relate, the Commissioners may by the Provisional Certificate direct that all or such Part as in such Provisional Certificate may be expressed of the Expenses of 25 such Investigation, and of inspecting and ascertaining the due Execution of the Works, may be included in the Expenses in respect of which such Loan, and the Advances on account thereof, shall be made.

30

9 & 10 Vict. c. 101. s. 28., and 10 Vict. c. 11. s. 6., repealed. Commissioners, when satisfied of the Execution of the Works, may issue Certificate for an Advance under this Act.

II. Section Twenty-eight of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, and Section Six of the said Act of the Tenth and Eleventh Years of Her Majesty, Chapter Eleven, shall be repealed; and when the Commissioners shall be satisfied by the Report of a Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively, or otherwise, that the Works 35 referred to in any such Provisional Certificate have been executed according to the Terms and Conditions of such Provisional Certificate, or that some Part thereof has been executed, which will, independently of the Part remaining unexecuted, be durable and effectual, and produce an Improvement in the yearly Value of the Land exceeding the 40 Amount of the yearly Charge which can be made in respect of Advance, and shall be satisfied by such Report or otherwise that such Expense

Expense has been actually incurred as will justify the Advance according to the Terms of the Provisional Certificate, the Commissioners shall issue a Certificate of Advance under their Seal, and such Certificate shall specify the Land in respect of which such Advance is to be made, and shall certify that such Sum as therein mentioned should be issued to the Person therein named in respect of the Drainage of such Land.

III. The Commissioners of the Treasury, upon the Application of the Commissioners, may from Time to Time direct the Comptroller of Her Majesty's Exchequer to give the necessary Issue to the Commissioners (whether by a Credit on the growing Produce of the Consolidated Fund or by Exchequer Bills) to enable them to make Advances under the said Acts; and the said Comptroller General is hereby required, upon the Receipt of such Direction, either to give a Credit on the Exchequer Funds at the Banks of England or Ireland, as the Case may be, to the Commissioners, or to issue to them, or cause to be placed to their Account at the Banks of England or Ireland, Exchequer Bills for the Amount specified in such Direction from the Treasury; and the said Commissioners shall upon such Exchequer Credits or the Produce of the Sale of such Exchequer Bills give Warrants or Orders under their Seal to the Governor and Company of the Banks of England or Ireland, as the Case may be, to pay from the "Drainage Advances and Repayments Account," to the respective Parties named in such Warrants or Orders, the Sums specified therein.

Treasury
may direct
Advances to
be made.

IV. In case such Warrant or Order shall not be presented for Payment before the Sixth Day of April or the Tenth Day of October, whichever shall first respectively happen, next after the Date of such Warrant or Order, the Land comprised in the Certificate of Advance in respect of which such Warrant or Order shall have been given shall be charged in such and the same Manner as if such Warrant or Order had been presented and an Issue made thereon prior to such Sixth Day of April or Tenth Day of October first happening as aforesaid; and where any Warrant or Order already issued has not been presented, the Land comprised in the Certificate of Advance in respect of which such Warrant or Order has been given shall be charged in such and the same Manner as if such Warrant or Order had been presented and an Issue made thereon prior to the Sixth Day of April or the Tenth Day of October first happening after the passing of this Act.

Commence-
ment of
Rentcharge.

V. Section Twenty-nine of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, shall be repealed; and in the Case of Advances proposed to be made under this or the said recited

9 & 10 Vic.
c. 101. s. 29.
repealed.

[35.]

A 3

Commis-
sioners to
Acts

deliver
Certificate
to Owner of
Land in
Scotland.

Acts in respect of Lands in Scotland, the said Commissioners shall deliver the Certificate of Advance to the Owner of the said Lands or Party applying for such Advance; and the said Owner or Party shall thereafter cause the said Certificate to be duly registered in the General or Particular Register of Sasines, and shall thereafter return 5 the same to the said Commissioners, with an Endorsement thereon by the Keeper of the said Register, which the said Keeper is hereby authorized and required to grant, certifying that the same has been duly registered.

As regards
Lands in
Ireland, a
Memorial of
the Certi-
ficate shall
be registered
in the Re-
gister Office
in Dublin.

VI. Section Thirty-one of the Ninth and Tenth Years of Her 10 Majesty shall be repealed; and in the Case of Advances proposed to be made under this or the said recited Acts as regards Lands in Ireland, the Commissioners shall deliver the Certificate of Advance to the Owner of the Lands, or Party applying for such Advance, or his Agent; and the said Owner or Party shall cause a Memorial 15 on Parchment, containing a true Copy or a true Statement of the material Contents of such Certificate, signed with the Name of such Owner or Party, to be brought to the Office of the Register of Deeds in Dublin, together with such Certificate; and the Registrar of Deeds, or his Deputy, shall cause such Memorial to be compared 20 with such Certificate; and upon Proof of the Signature of such Owner or Party as aforesaid, and of the Seal of the Commissioners on such Certificate, by Affidavit to be taken by such Officer or Person as is empowered to take Affidavits in Cases of Registration of Deeds, such Memorial shall, without further Proof or Affidavit, be filed, 25 entered, registered, and indexed in such Register Office in like Manner, so far as the Nature of the Case will admit, as a Memorial of a Deed may be filed, entered, registered, and indexed in the said Register Office, upon Payment of such Fee or Fees as would be duly payable in the Case of a Memorial of a Deed, and with and subject 30 to like Powers to all Persons interested to make such Searches, and to take such Abstracts, and to inspect any such original Memorial, and to obtain Searches in respect of the same, and upon Payment of such Fees respectively, as in the Case of any Deeds registered in the said Office; and the proper Officer at the said Register Office, 35 at the Time of entering such Memorial, shall on such Certificate endorse a Certificate under his Hand, and therein mention the Day on which such Memorial is so entered and registered, expressing also in what Book, Page, and Number the same is entered, which Certificate shall be taken and allowed as Evidence of such Registry 40 in all Courts whatsoever; and the said Certificate so endorsed shall be transmitted by the Registrar of Deeds, or his Deputy, to the Commissioners.

VII. All

VII. All Certificates of Advance issued by the Commissioners shall be retained by them, and deposited with the Records of their Office.

Certificates of Advance to be kept by Commissioners.

VIII. Upon any Apportionment of Rentcharge it shall be lawful for the Commissioners, if they shall see fit, to apportion such Rentcharge upon Parts only of the Land comprised in the Certificates of Advance to the Exclusion of the other Lands comprised therein, and such Lands so excluded shall after such Order of Apportionment be absolutely exonerated and discharged from the Payment of any Part of such apportioned Rentcharges.

Upon Apportionment, Part of Lands may be freed from Rentcharge.

IX. So much of the Second Section of the Tenth Victoria, Chapter Eleven, as relates to an Advance, shall be repealed; and it shall be lawful for the Commissioners to issue an Advance in respect of any Works, notwithstanding Deviations therein from the proposed Manner of effecting the Drainage, if such Deviation shall appear to the Commissioners to be expedient, and productive of Improvement as permanent and of as great yearly Amount as the Manner at first proposed.

Repeal of Part of Sect. 2. of 10 Vict. c. 10. Commissioners may authorize Deviation.

X. The Commissioners to issue and deliver Certificates of Redemption under the Forty-fifth Section of the said Act of the Ninth and Tenth Victoria, Chapter One hundred and one, and to declare that the Rentcharge shall continue a Charge upon the Loan, under the Thirtieth Section of the Twelfth and Thirteenth Victoria, Chapter One hundred, shall be the Board of Inland Revenue, and the Powers and Authorities vested in Commissioners under such Sections shall be executed by such Board.

Construction of "Commissioners."

XI. Where the "Owner of Land" shall be a Minor, Idiot, Lunatic, Feme Covert, beyond the Seas, or under any other legal Disability, without having any Guardian, Tutor, Curator, Trustee, Committee of the Estate, Husband, or Attorney, it shall be lawful for the Commissioners, by an Order under their Hands and Seal, to appoint any Person approved of by them as the Substitute for such Owner, for all the Purposes of the said recited Acts and of this Act.

Commissioners to appoint Substitute in certain Cases.

XII. The Provisions of this Act relative to the Issue of Certificates of Advance, and other Provisions consequent thereon, shall apply to all Certificates to be hereafter issued by the Commissioners, whether the Provisional Certificates bear Date prior to or subsequent to the passing of this Act.

Act to apply to all Cases, whatever Date of Provisional Certificates.

XIII. The said recited Acts and this Act shall be read and construed together as One Act.

Acts to be read together.

Short Title
of Act.

XIV. In citing this Act and the said recited Acts, or any of them, except the said Act of the Twelfth and Thirteenth Year of Her Majesty, Chapter One hundred, in other Acts of Parliament and in legal Instruments, it shall be sufficient to use the Expression "The Public Money Drainage Acts," and such Expression shall be held to refer 5 to and include so much of the said Act of the Twelfth and Thirteenth Year of Her Majesty as amends the said Acts of the Ninth and Tenth, and Tenth and Eleventh Years of Her Majesty, otherwise than in relation only to the Advance of private Money for Drainage.

Drainage Advances Acts
Amendment.

A

BILL

To amend the Acts relating to the
Advance of Public Money to promote
the Improvement of Land.

(Prepared and brought in by
Mr. Wilson and The Chancellor of the Exchequer.)

Ordered, by The House of Commons, to be Printed,
14 February 1856.

[Bill 35.]

Under 1 oz.



(Ireland.)

A

B I L L

TO

Provide for the Maintenance of Navigations made
in connexion with Drainage, and to make further
Provision in relation to Works of Drainage in
Ireland.

- W**HEREAS by an Act passed in the last Session of Parlia- Preamble.
ment, intituled " An Act to authorize the Application of 18 & 19 Vict
" certain Sums granted by Parliament for Drainage and c. 110.
" other Works of public Utility in Ireland towards the Completion
5 " of certain Navigations undertaken in connexion with Drainages,
" and to amend the Acts for promoting the Drainage of Lands and
" Improvements in connexion therewith in Ireland," after reciting that
the Navigations therein, including those herein-after mentioned, had
been undertaken and in part executed under the Provisions of the
10 Acts therein referred to ; that is to say,
In the District of Lough Neagh, situate in the Counties of Antrim,
Derry, Tyrone, Armagh, and Down, the Navigation of the
Lower Bann River from the Bridge of Coleraine in the tidal Part
of the said River to Lough Neagh, and extending thence to
15 the First Lock or Entrance of the Lagan, Newry, Ulster, and
Coal Island Canals :
In the District of Ballynamore and Ballyconnell, situate in the
Counties of Leitrim, Cavan, and Fermanagh, the Junction Navi-
[Bill 123.] A gation

gation by the Course of the Woodford River and Lakes, from Lough Erne, at the Mouth of the said River, to the River Shannon near the Village of Leitrim :

In the District of Loughs Corrib, Mask, and Carra, in the County of the Town of Galway and Counties of Galway and Mayo, the Navigation by the River and Lake Corrib, and Loughs Corrib, Mask, and Carra, from the Sea at Galway to the Northern Extremity of the said Lough Mask and Carra, and to Cloon Lough in the River Aill :

And that free Grants to the Amount therein mentioned had been theretofore made by the Authority of Parliament for the Purposes of the said Navigations, it is enacted, That it should be lawful for the Commissioners of Her Majesty's Treasury, out of the Monies therein mentioned, to issue such Sum as might be necessary towards defraying the Expenses incurred in respect of the several Navigations therein mentioned, and towards the Completion of such several Navigations or such of them, or such Parts of them or any of them as it might be considered by the Commissioners of the Treasury expedient and proper to complete ; and that the said Commissioners of the Treasury might authorize and direct the Commissioners of Public Works to cause to be completed the said Navigation Works or such of the same, or such Portions of them or any of them as upon Inquiries as therein mentioned the said Commissioners of the Treasury might think fit, and with any Modifications or Alterations which to them might appear expedient ; and that it should be lawful for the Commissioners of Public Works, by and with the Consent of the Commissioners of Her Majesty's Treasury, by Warrant under the Hands of the said Commissioners of Public Works, or any Two of them, from Time to Time to direct that the said Navigations or any of them, with the Tolls thereof, should be deemed and become the public Property of the County or Counties, if more than One, in which respectively the Lands chargeable under the Award in relation to the said Navigations respectively are situate ; and from and after the Date of any such Warrant such Navigation, together with all Locks, Weirs, and other Works, Rights, Members, and Appurtenances thereto belonging, should be deemed and taken to be the public Property of such County or Counties as aforesaid, and be held, maintained, and preserved by the Grand Jury or Juries of such County or Counties, with such Powers and Authorities and subject to such Provisions and Regulations as might thereafter be established by Parliament in relation thereto : And whereas the Three Navigations herein-before mentioned, with certain Modifications or Alterations directed under the said Act, have been or shortly will be completed : And whereas it is expedient to provide for the due and proper Maintenance and Regulation of the said Navigations, and for that Purpose

Purpose that such Navigations should be vested in Trustees as herein-
after provided: Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
5 and by the Authority of the same, as follows:

I. Each of the said Three Navigations, together with all Locks, Weirs, and other Works, Rights, Members, and Appurtenances, thereto belonging, shall by virtue of this Act, and from the Date of the Award of the said Commissioners of Public Works under the
10 said Act of the last Session of Parliament in relation thereto, vest in the Trustees for the Time being incorporated under this Act for such Navigation, for the Use of the Counties, Baronies, and Town-lands chargeable under such Award, and shall be held, maintained, and preserved by such Trustees, subject to the Provisions in this Act
15 contained.

II. The Works to be vested as aforesaid in the Trustees of the said Navigations respectively under this Act shall be the Works described in this Behalf in the Award of the said Commissioners of Public Works, and the Works (connected with such Navigations
20 respectively) for the Maintenance whereof as Works of Drainage Trustees are to be appointed under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, and the Acts amending the same, shall be the Works described in this Behalf in the Award of the said Commissioners of Public Works.

25 III. The following Persons shall be Trustees of the said Navigation in the District of Lough Neagh, that is to say,
as Trustees on
behalf of and as representing the County of Antrim;
as Trustees on
30 behalf of and as representing the County of Down;
as Trustees on
behalf of and as representing the County of Armagh;
as Trustees on
behalf of and as representing the County of Tyrone; and
35 as Trustees on
behalf of and as representing the County of Londonderry; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The Lough Neagh Navigation Trustees," and by that Name have perpetual Succession and a Com-
40 mon Seal, and sue and be sued.

Trustees of
Navigation
in Ballina-
more and
Ballyconnell
District.

IV. The following Persons shall be Trustees of the said Navigation in the District of Ballinamore and Ballyconnell; that is to say,

as Trustees on behalf of and as representing the County of Cavan; 5

as Trustees on behalf of and as representing the County of Leitrim;

as Trustees on behalf of and as representing the County of Fermanagh; and 10

as Trustees on behalf of and as representing the County of Roscommon; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The Ballinamore and Ballyconnell Navigation Trustees," and by that Name have perpetual Succession and a Common Seal, and sue and be sued. 15

Trustees of
Navigation
in Lough
Corrib Dis-
trict.

V. The following Persons shall be Trustees of the said Navigation in the District of Loughs Corrib, Mask, and Carra; that is to say,

as Trustees on behalf of and as representing the County of Galway; 20

as Trustees on behalf of and as representing the County of the Town of Galway; and

as Trustees on behalf of and as representing the County of Mayo; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The Lough Corrib Navigation Trustees," and by that Name have perpetual Succession and a Common Seal, and sue and be sued. 25

Navigation
Trustees
enabled to
purchase and
hold Lands,
&c.

VI. The said Navigation Trustees so respectively incorporated may for the Purposes of their respective Trusts (without Licence in Mortmain) purchase, take, and hold Lands and Hereditaments, and Goods and Chattels, and dispose thereof. 30

Grand Jury,
may remove
Trustees.

VII. It shall be lawful for the Grand Jury of every County which, or any Barony or Townland in which is chargeable under the Award of the said Commissioners of Public Works in relation to any Navigation herein-before mentioned, at any Assizes to be hereafter held for such County, to remove any of the Trustees of such Navigation named in this Act, or to be hereafter elected on behalf of such County. 35

Provisions
for supplying
Vacancies
among
Trustees.

VIII. If any Trustee named in or to be elected under this Act die, resign, or refuse or become incapable to act, or be removed, it shall be lawful for the Grand Jury at any Assizes to be holden for the County on behalf of which such Trustee shall have been named or elected to elect another Trustee in his Place; provided, that every Trustee 40

Trustee to be so elected shall be seised or possessed of Freehold or Leaschold Lands situate in the 'County on behalf of which he is elected of the yearly Value of *One hundred Pounds* or upwards over and above any Rent payable thereout.

- 5 IX. It shall be lawful for the said Navigation Trustees respectively from Time to Time to appoint and employ an Engineer and Super-
intendent of the Navigation and Works of which they are Trustees,
a Clerk, Collectors, and such other Officers and Servants as may be
necessary, at such Salaries or Payment respectively as the said Navi-
10 gation Trustees may think proper, and from Time to Time to dismiss
at their Discretion the Persons so appointed or employed, and appoint
and employ others in their Place.

Power to
appoint
Officers.

- X. The said Trustees so respectively incorporated shall hold their First Meetings respectively at Noon on the Third Tuesday in
15 the Month of next, and such Meetings shall respectively
be held as follows :

First Meet-
ings of Trus-
tees.

- For the Lough Neagh District at the County Court House in
Belfast in the County of Antrim :
For the Ballinamore and Ballyconnell District at the County Court
20 House in Cavan in the County of Cavan :
For the Loughs Corrib, Mask, and Carra District at the County
Court House in Galway.

- XI. All Powers and Duties vested in the Trustees of any of the
said Navigations may be exercised at any Meeting of such Trustees,
25 at which not less than *Three* of them are present.

Quorum of
Trustees.

- XII. It shall be lawful for the Trustees of any such Navigation
as aforesaid from Time to Time to appoint from among themselves
Committees for such Purposes, connected with the Management of
such Navigation, as such Trustees may think fit, and from Time to
30 Time to continue, alter, or discontinue any such Committee.

Trustees may
appoint Com-
mittees.

- XIII. It shall be lawful for the said Trustees, from Time to Time
and at all Times hereafter, to demand, receive, levy, and take for and
in respect of the Use of the Navigation of which they are Trustees,
and also for Wharfage or Quayage at any Pier, Harbour, Landing
35 Place, Quay, or Wharf built, erected, or made in connexion therewith,
such Rates or Tolls as the said Trustees, with the Approbation of
the said Commissioners of the Treasury, think fit; and it shall be
lawful for the said Trustees to fix the Time or Times respectively
from and after which such Rates or Tolls shall be payable.

Power to
take Tolls.

Limitation of
Tolls.

XIV. Any Boat or Vessel charged with a Tonnage Rate shall not in any event be liable to pay in respect of any Voyage a greater Amount of Toll, exclusive of Quayage or Wharfage, than *Two Shillings and Sixpence* per Ton; and any Boat or Vessel charged with a Rate per Boat or Boat Load shall not in any event be liable to pay in respect of any One Voyage a greater Amount of Toll, exclusive of Quayage or Wharfage, than *Eight Shillings* per Boat or Boat Load: Provided also, that no Toll or Rate whatever, except Wharfage or Quayage, shall be rated, levied, or imposed by the said Trustees under this Act upon Steam Vessels employed in towing Boats or Barges, and not carrying at the same Time Goods or Passengers.

Tolls may be
raised or
lowered.

XV. It shall be lawful for the said Trustees from Time to Time as they shall think fit, with the Approbation of the said Commissioners of the Treasury, to reduce all or any of the Rates or Tolls by this Act authorized to be taken, and afterwards from Time to Time, with the like Approbation, to raise the same or any of them to any Amount not exceeding the Amount herein-before specified: Provided also, that if such Rates or Tolls shall have been let or demised by the said Trustees no Alteration shall be made therein during the Continuance of such Lease or Demise unless with the Consent in Writing of the Tenant or Lessee.

If Disputes
should arise
about the
Amount of
Tolls, the
Collectors
may weigh
the Goods.

XVI. If any Dispute or Difference shall arise between the Collectors of the Rates or Tolls made payable under this Act and the Owner, Master, or Person having charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, and Merchandise, or other Things chargeable with or liable to the Payment of any of the said Rates or Tolls, concerning the Weight or Quantity of the same, it shall be lawful for such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be measured, weighed, or gauged, all such Goods, Wares, and Merchandise, or other Things as shall be in any Vessel where and when any Dispute shall arise; and in case any such Goods, Wares, and Merchandise, or other Things shall upon such weighing, measuring, or gauging appear to be of as much Weight, Measure, or Quantity as or of greater Quantity than such Collector did insist and affirm the same to be before the weighing, measuring, or gauging thereof, so as to make the same chargeable with or liable to the Payment of as much Money as or more Money than was demanded by the Collector before the weighing, measuring, or gauging of such Goods, Wares, or Merchandise, or other Things, then and in such Case the Master or Owner of such Boat, Barge, or other Vessel, or the Owner of such Goods, Wares, and Merchandise so weighed or measured or gauged, shall pay the Costs and Charges of such weighing, measuring, or gauging thereof;

thereof; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the Rates and Tolls made payable in and by this Act are appointed to be recovered; but in case such Goods, Wares, and Merchandise, or other Things, shall
 5 upon such weighing, measuring, or gauging appear to of no greater Weight or Quantity than the Master or Owner declared the same to be before the weighing, measuring, or gauging thereof, then and in such Case such Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to the Master or
 10 Person having charge of such Boat, Barge, or other Vessel, or to the Owner of such Goods, Wares, and Merchandise, a Sum not exceeding *Two Shillings and Sixpence* for every Hour that such Boat, Barge, or other Vessel shall be detained by occasion of such weighing, measuring, or gauging, and so in proportion for any greater or less Time than an
 15 Hour; and in default of immediate Payment thereof the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, or of any Lessee of such Rates or Tolls by whom such Collector may have been employed, by Warrant under the Hand and Seal of any Two Justices of the Peace for the County, Liberty, or Place
 20 where such Collector shall reside, rendering the Overplus to the Owner thereof after such Distress and Sale made.

XVII. Any Lock or Bridge Keeper appointed under the Provisions of this Act to have the Charge of opening or shutting any Lock or Bridge on any of the said Navigations shall constantly attend to the
 25 same, and shall at all reasonable Times open the same for the Passage of trading or other Vessels, the Tolls and other Rates required under this Act for such Vessels being paid, and the Byelaws, Rules, and Regulations which shall be made being complied with; and each such
 Lock or Bridge Keeper wilfully neglecting the Duties of his Office in
 30 any of the Matters aforesaid shall be liable to a Penalty of not more than *Five Pounds* for each Offence.

Lock-keepers to attend Locks.

Penalty.

XVIII. The said Trustees shall cause an Account or List, printed or painted in legible Characters, of the several Rates or Tolls which the said Trustees shall from Time to Time direct and appoint to
 35 be taken, and which shall be payable by virtue of this Act, to be affixed on Boards in some conspicuous Place at or near which any such Rates or Tolls shall be collected or received, and shall cause the same to be continued and renewed as often as the same shall be obliterated or defaced.

A List of the Rates, Tolls, &c. to be affixed in conspicuous Places.

XIX. It shall be lawful for the Collectors appointed and authorized in this Behalf by the said Trustees of the said Navigations respectively to demand and take the Tolls and Rates payable by

Enforcing the Payment of Rates and Tolls.

virtue of this Act, and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls to the respective Persons appointed to receive the same as aforesaid, the said Trustees may sue for and recover the same by an Action of Debt in any of Her Majesty's Courts of Record or by Civil Bill, or the Person to whom such Rates or Tolls ought to have been paid may and he is hereby empowered to seize the Goods, Articles, or other Things for or in respect whereof any such Rates or Tolls ought to be or ought to have been paid, or any Part thereof, and the Vessel laden therewith, and detain the same until such Payment shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within *Twenty-one* Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent, and such Rates, Tolls, and Charges satisfied thereout. 15

Leasing the Rates and Tolls.

XX. It shall be lawful for the said Trustees (if they shall think fit), by public Bidding, from Time to Time to let all or any of the Tolls and Rates payable under the Provisions of this Act for Terms not exceeding *Seven* Years, on such Conditions, and with such Security for the Payment of the Rent reserved on such Lease as the said Trustees shall deem expedient; and every such Lease shall be valid, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall have the same Powers and Authorities for collecting and recovering the same as are herein-before by this Act given to the said Trustees and the Person appointed by them to collect such Tolls and Rates. 20 25

Power of Re-entry in case of Nonperformance of the Conditions of the Lease.

XXI. In case any of the Rates or Tolls by this Act authorized to be taken shall be demised or let, and the Lessee thereof shall refuse or neglect to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee shall be in arrear or unpaid for the Space of *Twenty-one* Days next after any of the Days on which the same ought to be paid pursuant to the Lease of such Rates or Tolls, or in case any such Lease shall in any other Manner become void or voidable or determine, or in case any Collector of the said Rates or Tolls appointed by the said Trustees as aforesaid shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family, or any Representative of any such Collector, or any other Person being in possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Office, or other Building, with the Appurtenances thereto respectively, 30 35 40

respectively belonging, to be used for the Purposes of this Act, within the Space of *Seven* Days next after a Demand thereof in Writing on behalf of the said Trustees shall be given to him, or affixed to such Toll House, Office, or Building, then and in any of the said
5 Cases it shall be lawful for any Two or more Justices of the Peace acting within their Jurisdiction, upon any Application made by the said Trustees, by Warrants under the Hands and Seals of the said Justices, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession
10 of every or any such Toll House, Office, or other Building, with the Appurtenances, and to remove and put such Lessee, Collector, or other Person as shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Trustees, their Agent,
15 or their new Lessee or Collector, into the Possession thereof; and it shall be lawful for the said Justices to declare such Lease to be void and determined, and the same shall be void and determined accordingly (save as to any Rights and Liabilities in respect of any Rent already accrued and any Breach of any Terms or Conditions
20 already committed).

XXII. The Income which the said Trustees shall receive for or in respect of any Tolls or other Rates to be imposed and levied under this Act shall be applied, in the first instance, in paying the Salaries of the Officers and Servants authorized by this Act to be appointed
25 by the Trustees, and in Payment of Expenses of collecting such Tolls and Rates as aforesaid, and of the Expenses attending or incident to the Maintenance of the Works of the Navigation of which they are Trustees, and all other Expenses attending the Conservancy of such Navigation.

30 XXIII. All Expenses of and incident to the Maintenance and Conservancy of each of the said Navigations shall (so far as the same may not be defrayed out of the Income aforesaid) be borne and paid by the Counties, Baronies, and Townlands, and Parts thereof respectively, which under the Award of the said Commissioners of
35 Public Works are charged with or towards Payment of a Portion of the Costs, Charges, and Expenses of the making of such Navigation, and in the same Proportions as such Counties, Baronies, Townlands, and Parts are chargeable to the Portion of such last-mentioned Costs, Charges, and Expenses charged by such Award.

40 XXIV. It shall be lawful for the said Commissioners of the Treasury at any Time, and from Time to Time, within the first *Two* Years after the passing of this Act, if they think fit, upon an Estimate being
[123.] B laid

How the Income derived from Navigation shall be applied.

Expenses of Maintenance of Navigations not defrayed by Income to be paid by Counties, &c. in same Proportions as Expenses of Construction.

Treasury may advance Money during first

Two Years for Expenditure of Trustees.

laid before them by the Trustees of any of the said Navigations of what Sum will be requisite for the Expenses of such Navigation for the then current Year, to direct that any Sum or Sums of Money, not exceeding in the whole the Sum of in any One Year for any one of the said Navigations, shall be advanced and paid to such Trustees *out of the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland*, to be applied under the Direction of the said Trustees in the necessary Maintenance and Repair of such Navigation and in the Payment of the Officers and Servants of such Trustees under this Act; and the said Commissioners of the Treasury shall certify from Time to Time to the Lord Lieutenant or other Chief Governor or Governors of Ireland the Sums so advanced, with a view to the Repayment thereof as herein-after provided.

Trustees to account to Grand Juries at each Assizes.

XXV. The Trustees of each of the said Navigations shall transmit to the Grand Jury assembled at the Spring Assizes; One thousand eight hundred and *fifty-seven*, to be held for every County which or any Barony or Townland in which is liable to contribute towards the Expense of and Maintenance of such Navigation, an Account of the Receipts and Expenditure of such Trustees up to the *First Day of February One thousand eight hundred and fifty-seven* inclusive; and such Trustees shall also furnish to such Grand Juries at each Spring and Summer Assizes to be thereafter held like Accounts of the Receipts and Expenditure of such Trustees from the Time to which their last preceding Account was made up to the *First Day of July* and the *First Day of February* inclusive next preceding the Commencement of the Assizes.

Grand Juries, upon Estimates of Trustees, to present the necessary Amount.

XXVI. The Grand Juries of the several Counties to which any such Account as aforesaid is transmitted under this Act in relation to any such Navigation shall, upon an Estimate being transmitted to them by the Trustees of such Navigation of what Sum will be requisite for the Expenses thereof until the following Assizes, without Application to Presentment Sessions or otherwise, present the Amount of such Estimate to be paid to the said Trustees, such Amount to be so presented by the said Grand Juries to be raised upon the respective Counties, Baronies, and Townlands liable to contribute to the Maintenance of such Navigation, and in the Proportions in which such Counties, Baronies, and Townlands are liable so to contribute.

In case of Neglect of Navigations, same to be repaired.

XXVII. In case it appear to the Lord Lieutenant or other Chief Governor or Governors of Ireland, upon any Representation in this Behalf, that any of said Navigations, or any of the Works connected therewith, are not kept and maintained in good and proper Repair by the Trustees thereof, or that any sudden Damage has occurred to any such

such Navigation, or any of the Works connected therewith, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors, if he or they think fit, to signify the same to the said Commissioners of the Treasury, and thereupon it shall and may
 5 be lawful for such last-mentioned Commissioners in any such Case, if they think fit, on an Estimate being laid before them by the said Commissioners of Public Works, or any Two of them, setting forth what Repairs are necessary, and what Sum will be requisite for such Repairs, to direct that any such Sum or Sums of Money, or any Part
 10 thereof, be advanced and paid to the said Commissioners of Public Works *out of the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland*, to be applied under their Directions in such Repairs; and such last-mentioned Commissioners, or any Two of them, shall certify to the Lord Lieutenant or
 15 other Chief Governor or Governors of Ireland the Amount expended in such Repairs, with a view to the Repayment thereof as herein-after provided.

XXVIII. Where under this Act any Amount is certified to the Lord Lieutenant or other Chief Governor or Governors of Ireland by the
 20 said Commissioners of the Treasury or the said Commissioners of Public Works, or any Two of them, to have been advanced or expended by such Commissioners respectively under this Act, the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of Ireland, or in his Absence, the Under Secretary,
 25 shall certify to the Secretaries of the Grand Juries of the Counties which or any Baronies or Townlands in which respectively are liable to contribute towards the Expense of maintaining the Navigation in respect of which the Advance or Expenditure was made, the Amount of Money so certified to the Lord Lieutenant or other Chief Gover-
 30 nor or Governors to have been advanced or expended, and shall also certify the Proportions in which such Counties or any Baronies or Townlands therein respectively shall be chargeable with the Amount so advanced or expended, such Proportions to be the same as those in which such Counties, Baronies, and Townlands respectively are
 35 liable to contribute towards the Maintenance of such Navigation; and every such Certificate shall be laid before the Grand Juries of such Counties at the next Assizes after the Date thereof; and thereupon the Grand Juries of such Counties shall present the Amount stated in such Certificate to be paid to the Paymaster of Civil Services in
 40 Ireland, such Amount to be so presented by the said Grand Juries to be raised upon the respective Counties, or Baronies, or Townlands in conformity with such Certificate; and in default of Presentment as aforesaid by the Grand Jury of any County the Treasurer of such County is hereby required without any Presentment or Authority, when

Provision for
Recovery of
Money ad-
vanced.

issuing his Warrant for levying Grand Jury Cess, immediately after the Assizes next ensuing the Date of such Certificate, to insert in a separate Warrant to be by him issued for the Levy of the same, the Amount mentioned in such Certificate to be raised off such County, or the Barony or Baronies, Townland or Townlands therein mentioned; and 5 such Amount as shall be so presented or included in any such Warrant as aforesaid shall be apportioned, raised, and levied, sued for, and recovered by such and the same Ways and Means as any Grand Jury Cess; and when and so soon as the Sum so to be presented or included in such Warrant as aforesaid shall be raised and received 10 by the Treasurer of any such County, such Treasurer shall pay over the same to the Paymaster of Civil Services in Ireland, or in such Manner as the said Commissioners of the Treasury shall direct.

Power to
Trustees,
with Consent
of Grand
Juries, to dis-
pose of Navi-
gations.

XXIX. It shall be lawful for the Trustees for the Time being of any 15 Navigation, by and with the Consent of the Grand Juries of the several Counties which or any Baronies or Townlands in which respectively are liable to contribute to the Maintenance of such Navigation, such Consent to be signified by Resolutions of such Grand Juries at any Assizes, to dispose of such Navigation, together 20 with the Tolls thereof, and the Locks, Weirs, and other Works thereto belonging, to any Person willing to purchase the same, and the Receipts of the said Trustees under their Seal and the Hands of any Three or more of them, for any Purchase Monies thereof, shall be sufficient Discharges for the same; and such Monies shall be paid to 25 the Treasurers of the respective Counties which or any Baronies or Townlands in which contributed to the Expense of the Construction of such Navigation, in the Proportions in which such Counties, Baronies, and Townlands contributed thereto, to be placed by such Treasurers respectively to the Credit of their respective Coun- 30 ties, or such Baronies or Townlands therein as aforesaid; and after such Disposition such Counties, Baronies, and Townlands shall cease to be liable to maintain such Navigation, and the Purchasers and their Assigns shall have all the Rights with respect to the said Navigation, Works, and Tolls, and otherwise, subject to the same 35 Control, as the said Trustees would have had and been subject to.

Trustees to
make Bye-
laws.

XXX. It shall and may be lawful for the said Trustees and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to make such Byelaws as to them shall seem meet and proper for regulating the Conduct and Management of the Busi- 40 ness of the said Trustees, and Conduct of all Officers, Workmen, and Servants employed by them, and for the well and orderly using and preserving the Navigation of which they are Trustees and the Off-
branches

branches thereof respectively, and the Banks, Basins, Reservoirs, Tunnels, Locks, Sluices, and all other Works thereto respectively belonging, and for regulating the passing and re-passing of all Ships, Boats, Lighters, Barges, and other Vessels, and the carrying of
5 all Goods, Wares, Merchandise, and Commodities which shall be navigated or conveyed thereon respectively, and for the orderly Behaviour of all Seamen, Boatmen, Watermen, Bargemen, and others who shall navigate such Ships, Boats, Barges, Lighters, and other Vessels upon such Navigation or the Off-branches thereof, or
10 who shall be employed in carrying or conveying any Goods, Wares, Merchandise, or Commodities thereon, and for the Superintendence, Management, and Conservation of the said Navigations and Off-branches thereof respectively in all other respects whatever, and from Time to Time to alter or repeal all or any of such Byelaws, and
15 to make others, and to impose such Fines and Penalties upon all Persons offending against any of such Byelaws as to the said Trustees shall seem reasonable, not exceeding the Sum of *Five Pounds* for any One Offence, any such Fine or Penalty to be recoverable on summary Conviction; which said Byelaws shall be reduced into Writing, and
20 sealed by the said Trustees, and printed and published; and such of the same as shall subject any Person not being an Officer or Servant of the said Trustees to any Fine or Penalty shall be painted on Boards, and hung up and affixed and continued in some Place at or near which any Rates or Tolls shall be collected under this Act, and
25 in such Places as to the said Trustees shall seem fit, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Byelaws shall be binding upon and shall be observed by all Persons whatsoever, and shall be sufficient in all Courts of Law or Equity to justify all Persons who
30 shall act under the same; provided that such Byelaws be approved of by a Judge of One of Her Majesty's Superior Courts of Record in Dublin.

XXXI. Provided always, That in all Cases of Prosecution for any Offence or Offences against any of the Byelaws of the said
35 Trustees, the Production of a written or printed Paper purporting to be the Byelaws, of the said Trustees, and authenticated by the Seal of the said Trustees, shall be Evidence of the Existence of such Byelaws.

Copy of Byelaws to be Evidence.

XXXII. If any Person shall throw or deposit any Ballast, Gravel,
40 or other Matter or Thing, so as to interrupt or obstruct the free Passage of Water or Vessels into, through, or in any of the said Navigations, or any of the Cuts, Sluices, or Canals, or any of the Off-branches, or shall, without the Consent of the said Trustees,

Penalty on Persons depositing Gravel, &c. so as to obstruct the River.

lay any Ballast, Gravel, Stones, Dirt, Rubbish, Lime, Timbers, or Clay on any of the Banks, Locks, or Trackways of any of the Navigations aforesaid, or do any other Damage to the said Navigations, or any of them, or if any Person shall maliciously open any Lock, Sluice, Dam, Gate, or Watercourse belonging to any of the said Navigations, or shall so leave any of the same open after any Boat has passed, or otherwise mis-spend or waste the Water of any of the said Navigations, every such Person on summary Conviction of any of the Offences aforesaid shall be subject to a Penalty not exceeding *Ten Pounds*. 10

If any Nuisance be continued after Notice, it shall be considered a new Offence.

XXXIII. If any Offence against or Breach of any Provision of this Act or any Byelaw made as aforesaid be continued, or be not abated, removed, or discontinued within *Seven Days* after Notice in Writing shall have been served on or left at the usual Place of Abode of the Person or Persons committing such Offence, or Breach, requiring him or them to discontinue the same, every such Continuation shall be deemed and taken to be a separate and distinct Offence within the Meaning of this Act; and such Person shall on summary Conviction thereof be subject to a Penalty not exceeding *Five Pounds* for each and every Day of such Continuation. 15 20

Penalty on Persons assaulting Officers and others.

XXXIV. If any Person or Persons shall wilfully prevent, assault, or threaten to assault any of the Trustees for the Execution of this Act, or any Engineer or other Officer, Servant, or Workman acting in aid or under the Orders of any such Trustee in the Execution of any of the Powers given by this Act, or shall injure, damage, or destroy any of the Piers, Quays, Landing Places, Wharfs, Beacons, or Lighthouses, or any Work or Works connected with the said Navigations, or shall persist in doing so after having been required by the said Trustees or any of them, or any Person acting under them, not to do or continue to do any Matter or Thing injurious to any of the said Works, or shall do any other Matter or Thing prohibited by any of the Provisions of this Act, or any Byelaw made in pursuance thereof, any Person so offending shall for every such Offence, upon summary Conviction thereof, be subject to a Penalty not exceeding *Five Pounds*. 25 30 35

Power to include in Award Lands formerly covered with Water.

XXXV. And whereas by means of the Works of the Commissioners of Public Works in Ireland, under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty Chapter Eighty-nine, and the Acts since passed amending the same, the Waters in certain Rivers and Lakes have been lowered so as to make Land formerly covered with Water profitable to the Proprietors thereof, and Doubts may exist as to the Power of the said Commissioners to include such Lands in their final 40

final Award, and charge the same with a Proportion of the Expense of the Works in the District in which such Lands so made profitable are situate :

It shall be lawful for the said Commissioners of Public Works in
5 and by their final Award in any District to include any such Lands which may have been previously to the Commencement of the Works of the said Commissioners covered with Water and unprofitable, and to charge such Lands and the Proprietors thereof with a fair Proportion of the Expenses incurred by the said Commissioners in the Execution
10 of the Works within any such District, in the same Manner as the other Lands within any such District.

XXXVI. And whereas by reason of the great Extent of some Drainage Districts it may be expedient to appoint a greater Number of Trustees for the Maintenance of the Drainage Works than is
15 authorized by the said Act of the Fifth and Sixth Years of Her Majesty :

The Number of Trustees to be appointed under the said Act of the Fifth and Sixth Years of Her Majesty, for the Maintenance of any Works of Drainage, may be any Number not exceeding *Fifteen* ;
20 and where before the passing of this Act Trustees have been appointed for the Maintenance of any such Works, the Number of such Trustees may at any Meeting to be called in like Manner as a Meeting for the Election of new Trustees be increased to any Number not exceeding *Fifteen*.

Number of Trustees for Maintenance of Drainage Works may be any Number not exceeding Fifteen.

Drainage (Ireland).

A

BILL

To provide for the Maintenance of Navigations made in connexion with Drainage, and to make further Provision in relation to Works of Drainage in Ireland.

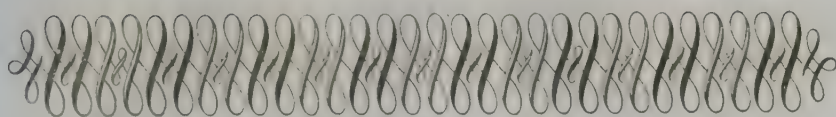
*(Prepared and brought in by
Mr. Wilson, the Chancellor of the Exchequer, and
Mr. Attorney General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
2 May 1856.*

[Bill 123.]

Under 1 oz.

26 June 1856. 19 & 20 VICT.



(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide for the Maintenance of Navigations made
in connexion with Drainage, and to make further
Provision in relation to Works of Drainage in
Ireland.

[Note.—The Clauses marked A. to C. were added in Committee.]

- W**HEREAS by an Act passed in the last Session of Parlia- Preamble.
ment, intituled “ An Act to authorize the Application of 18 & 19 Vict.
“ certain Sums granted by Parliament for Drainage and c. 110.
“ other Works of public Utility in Ireland towards the Completion
5 “ of certain Navigations undertaken in connexion with Drainages,
“ and to amend the Acts for promoting the Drainage of Lands and
“ Improvements in connexion therewith in Ireland,” after reciting that
the Navigations therein, including those herein-after mentioned, had
been undertaken and in part executed under the Provisions of the
10 Acts therein referred to ; that is to say,
In the District of Lough Neagh, situate in the Counties of Antrim,
Derry, Tyrone, Armagh, and Down, the Navigation of the
Lower Bann River from the Bridge of Coleraine in the tidal Part
of the said River to Lough Neagh, and extending thence to
15 the First Lock or Entrance of the Lagan, Newry, Ulster, and
Coal Island Canals :
In the District of Ballynamore and Ballyconnell, situate in the
Counties of Leitrim, Cavan, and Fermanagh, the Junction Navi-
[Bill 202.] A gation

gation by the Course of the Woodford River and Lakes, from Lough Erne, at the Mouth of the said River, to the River Shannon near the Village of Leitrim:

In the District of Loughs Corrib, Mask, and Carra, in the County of the Town of Galway and Counties of Galway and Mayo, the Navigation by the River and Lake Corrib, and Loughs Corrib, Mask, and Carra, from the Sea at Galway to the Northern Extremity of the said Lough Mask and Carra, and to Cloon Lough in the River Aill:

And that free Grants to the Amount therein mentioned had been 10
theretofore made by the Authority of Parliament for the Purposes of
the said Navigations, it is enacted, That it should be lawful for the
Commissioners of Her Majesty's Treasury, out of the Monies therein
mentioned, to issue such Sum as might be necessary towards defraying
the Expenses incurred in respect of the several Navigations therein 15
mentioned, and towards the Completion of such several Navigations or
such of them, or such Parts of them or any of them as it might be
considered by the Commissioners of the Treasury expedient and
proper to complete; and that the said Commissioners of the Treasury
might authorize and direct the Commissioners of Public Works to 20
cause to be completed the said Navigation Works or such of the same,
or such Portions of them or any of them as upon Inquiries as therein
mentioned the said Commissioners of the Treasury might think fit,
and with any Modifications or Alterations which to them might
appear expedient; and that it should be lawful for the Commis- 25
sioners of Public Works, by and with the Consent of the Commis-
sioners of Her Majesty's Treasury, by Warrant under the Hands of
the said Commissioners of Public Works, or any Two of them, from
Time to Time to direct that the said Navigations or any of them,
with the Tolls thereof, should be deemed and become the public 30
Property of the County or Counties, if more than One, in which
respectively the Lands chargeable under the Award in relation to the
said Navigations respectively are situate; and from and after the Date
of any such Warrant such Navigation, together with all Locks,
Weirs, and other Works, Rights, Members, and Appurtenances 35
thereto belonging, should be deemed and taken to be the public
Property of such County or Counties as aforesaid, and be held, main-
tained, and preserved by the Grand Jury or Juries of such County or
Counties, with such Powers and Authorities and subject to such Pro-
visions and Regulations as might thereafter be established by Parlia- 40
ment in relation thereto: And whereas the Three Navigations
herein-before mentioned, with certain Modifications or Alterations
directed under the said Act, have been or shortly will be com-
pleted: And whereas it is expedient to provide for the due and proper
Maintenance and Regulation of the said Navigations, and for that 45
Purpose

Purpose that such Navigations should be vested in Trustees as herein-
after provided: Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
5 and by the Authority of the same, as follows:

I. The said Navigation in the District of Lough Neagh shall for
the Purposes of this Act be divided into Two Navigations; and One of
such Navigations shall be called "Lower Bann Navigation," and shall
10 consist of the Portion of the said Navigation in the District of Lough
Neagh next herein-after described; (that is to say,) the Portion of the
said Navigation which extends from the Bridge of Coleraine in the
Tidal Part of the River Bann to Lough Neagh in the Counties of
Londonderry and Antrim respectively, including that Part of Lough
15 Neagh situate in the said last-mentioned Counties, according to the
Boundaries of the said Counties through the Waters of the said Lough
as laid down on the Ordnance Survey; and the other of such Naviga-
tions shall be called "Upper Bann Navigation," and shall consist of
the Portion of the Navigation in the District of Lough Neagh herein-
20 after described; (that is to say,) the Portion of the said Navigation
which extends from Blackwater Town by the River Blackwater to
Lough Neagh, including that Part of the said Lough situate in the
said Counties of Armagh, Tyrone, and Down, according to the
Boundaries of the said Counties through the Waters of the said
Lough as laid down on the Ordnance Survey.

CLAUSE A.
The Naviga-
tion in the
District of
Lough
Neagh to be
divided into
Two Navi-
gations for
the Purposes
of this Act.

II. The said Lower Bann Navigation and Upper Bann Navigation,
the said Navigation in the District of Ballynamore and Ballyconnell,
and the said Navigation in the District of Lough Corrib, Mask, and
Carra, together with all Locks, Weirs, and other Works, Rights,
Members, and Appurtenances thereto belonging, shall, by virtue of
25 this Act, and from the Date of the Award of the said Commissioners
of Public Works under the said Act of the last Session of Parliament
in relation thereto, vest in the Trustees for the Time being incorpo-
rated under this Act for such Navigation, for the Use of the Counties,
Baronies, and Townlands chargeable under such Award, and shall
35 be held, maintained, and preserved by such Trustees, subject to the
Provisions in this Act contained.

Navigations
to vest in
Trustees for
the Use of
Counties.

III. The Works to be vested as aforesaid in the Trustees of the
said Navigations respectively under this Act shall be the Works
described in this Behalf in the Award of the said Commissioners of
40 Public Works, and the Works (connected with such Navigations
respectively) for the Maintenance whereof as Works of Drainage
Trustees are to be appointed under the Act of the Session holden in
[202.] A 2 the

Commis-
sioners to
determine
what are
Navigation
Works and
what are
Drainage
Works.

the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, and the Acts amending the same, shall be the Works described in this Behalf in the Award of the said Commissioners of Public Works.

CLAUSE B.
Trustees of
Lower Bann
Navigation.

IV. The following Persons shall be Trustees of the said Lower Bann Navigation ; that is to say, George Macartney, Esquire, M.P., 5 the Reverend Arthur Pakenham, John Montgomery, Esquire, Henry Hugh McNeile, Esquire, John Rowley Miller, Esquire, and Henry Stanley McClintock, Esquire, as Trustees on behalf of and as representing the County of Antrim ; and Sir H. Hervey Bruce, Baronet, Robert Peel Dawson, Esquire, Andrew Spotswood, Esquire, George 10 Bicknell, Esquire, and Henry Anderson, Esquire, as Trustees on behalf of and as representing the County of Londonderry ; and Charles James Knox, Esquire, on behalf of and as representing the Borough of Coleraine ; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The 15 Lower Bann Navigation Trustees," and by that Name have perpetual Succession and a Common Seal.

Trustees of
Upper Bann
Navigation.

V. The following Persons shall be Trustees of the said Upper Bann Navigation ; (that is to say,) John Calvert Stronge, Esquire, John Hancock, Esquire, and Denis C. Brady, Esquire, as Trustees on 20 behalf of and as representing the County of Armagh ; Richard Loyd, Esquire, John Cranston, Esquire, and Walter Hoare, Esquire, as Trustees on behalf of and as representing the County of Tyrone ; and Major Henry Waring and Crane Brush, Esquire, as Trustees on behalf of and as representing the County of Down ; and the 25 Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The Upper Bann Navigation Trustees," and by that Name have perpetual Succession and a Common Seal, and sue and be sued.

Trustees of
Navigation
in Ballina-
more and
Ballyconnell
District.

VI. The following Persons shall be Trustees of the said Navigation 30 in the District of Ballinamore and Ballyconnell ; that is to say, Perrott Thornton, Esquire, Captain John Johnston, and Archibald Godley, Esquire, as Trustees on behalf of and as representing the County of Cavan ; Francis La Touche, Esquire, William Lawder, Esquire, and Hugh O'Beirne, Esquire, as Trustees on behalf of and as representing 35 the County of Leitrim ; the Right Honourable the Earl of Erne, the Reverend John Grey Porter, and Robert Collins, Esquire, as Trustees on behalf of and as representing the County of Fermanagh ; and the Right Honourable Lord Viscount Lorton, Edward King Tenison, Esquire, and James Kerkwood, Esquire, as Trustees on 40 behalf of and as representing the County of Roscommon ; and the Trustees for the Time being of such Navigation shall be a Body Corporate,

Corporate, by the Name and Style of “ The Ballinamore and Ballyconnell Navigation Trustees,” and by that Name have perpetual Succession and a Common Seal, and sue and be sued.

VII. The following Persons shall be Trustees of the said Navigation in the District of Loughs Corrib, Mask, and Carra; that is to say, the Most Noble the Marquis of Clanricarde, Lord Clanmorris, Anthony O’Flaherty, Esquire, M.P., Francis Blake (of Cregg), Esquire, James Martin, Esquire, and Denis Kirwan, Esquire, as Trustees on behalf of and as representing the County of Galway; Edward C. Burke, Esquire, the Reverend Peter Daly and John Blakeney, Esquire, as Trustees on behalf of and as representing the County of the Town of Galway; and the Right Honourable the Earl of Lucan, Lieutenant Colonel G. G. Ouseley Higgins, M.P., and Colonel Charles Knox, as Trustees on behalf of and as representing the County of Mayo; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of “ The Lough Corrib Navigation Trustees,” and by that Name have perpetual Succession and a Common Seal, and sue and be sued.

Trustees of
Navigation
in Lough
Corrib Dis-
trict.

VIII. The said Navigation Trustees so respectively incorporated may for the Purposes of their respective Trusts (without Licence in Mortmain) purchase, take, and hold Lands and Hereditaments, and Goods and Chattels, and dispose thereof.

Navigation
Trustees
enabled to
purchase and
hold Lands,
&c.

IX. It shall be lawful for the Grand Jury of every County which or any Barony or Townland in which is chargeable under the Award of the said Commissioners of Public Works in relation to any Navigation herein-before mentioned, and vested in Trustees under this Act, at any Assizes to be hereafter held for such County, to remove any of the Trustees of such Navigation named in this Act, or to be hereafter elected on behalf of such County.

Grand Jury
may remove
Trustees.

X. If any Trustee named in or to be elected under this Act die, resign, or refuse or become incapable to act, or be removed, it shall be lawful for the Grand Jury at any Assizes to be holden for the County on behalf of which such Trustee shall have been named or elected to elect another Trustee in his Place; provided, that every Trustee to be so elected shall be seised or possessed of Freehold or Leasehold Lands situate in the County on behalf of which he is elected of the yearly Value of One hundred Pounds or upwards over and above any Rent payable thereout, or shall be Agent to an Estate in such County of the yearly Value of Two thousand Pounds or upwards, or to Two or more Estates in such County of such yearly Value in the whole: Provided always, that the same Power of Appointment and Removal hereby given to the Grand Juries with regard to the Trustees for the Counties of Antrim and Londonderry, shall, as far as

Provisions
for supplying
Vacancies
among
Trustees.

One of such Trustees, in the Case of the said Lower Bann Navigation, be exercised by the Town Commissioners of Coleraine.

Power to
appoint
Officers.

XI. It shall be lawful for the said Navigation Trustees respectively from Time to Time to appoint and employ an Engineer and Superintendent of the Navigation and Works of which they are Trustees, 5
a Clerk, Collectors, and such other Officers and Servants as may be necessary, at such Salaries or Payment respectively as the said Navigation Trustees may think proper, and from Time to Time to dismiss at their Discretion the Persons so appointed or employed, and appoint and employ others in their Place. 10

First Meet-
ings of Trust-
tees.

XII. The said Trustees so respectively incorporated shall hold their First Meetings respectively at Noon on the Third Tuesday in the Month of January next, and such Meetings shall respectively be held as follows:

For the Lower Bann Navigation at the Court House in Ballymoney 15
in the County of Antrim:

For the Upper Bann Navigation at the Court House in Lurgan in the County of Armagh:

For the Ballinamore and Ballyconnell District at the County Court House in Cavan in the County of Cavan: 20

For the Loughs Corrib, Mask, and Carra District at the County Court House in Galway.

Quorum of
Trustees.

XIII. All Powers and Duties vested in the Trustees of any of the said Navigations may be exercised at any Meeting of such Trustees, at which not less than Three of them are present. 25

Trustees may
appoint Com-
mittees.

XIV. It shall be lawful for the Trustees of any such Navigation as aforesaid from Time to Time to appoint from among themselves Committees for such Purposes, connected with the Management of such Navigation, as such Trustees may think fit, and from Time to Time to continue, alter, or discontinue any such Committee; pro- 30
vided that no such Committee shall be appointed consisting of less than Three Persons.

Power to
take Tolls.

XV. It shall be lawful for the said Trustees, from Time to Time and at all Times hereafter, to demand, receive, levy, and take for and in respect of the Use of the Navigation of which they are Trustees, 35
and also for Wharfage or Quayage at any Pier, Harbour, Landing Place, Quay, or Wharf built, erected, or made in connexion therewith, such Rates or Tolls as the said Trustees, with the Approbation of the said Commissioners of the Treasury, think fit; and it shall be lawful for the said Trustees to fix the Time or Times respectively 40
from and after which such Rates or Tolls shall be payable.

XVI. Any

XVI. Any Boat or Vessel charged with a Tonnage Rate shall not in any event be liable to pay in respect of any Voyage a greater Amount of Toll, exclusive of Quayage or Wharfage, than Two Shillings and Sixpence per Ton; and any Boat or Vessel charged with a Rate per Boat or Boat Load shall not in any event be liable to pay in respect of any One Voyage a greater Amount of Toll, exclusive of Quayage or Wharfage, than Eight Shillings per Boat or Boat Load: Provided also, that no Toll or Rate whatever, except Wharfage or Quayage, shall be rated, levied, or imposed by the said Trustees under this Act upon Steam Vessels employed in towing Boats or Barges, and not carrying at the same Time Goods or Passengers.

Limitation of Tolls.

XVII. It shall be lawful for the said Trustees from Time to Time as they shall think fit, with the Approbation of the said Commissioners of the Treasury, to reduce all or any of the Rates or Tolls by this Act authorized to be taken, and afterwards from Time to Time, with the like Approbation, to raise the same or any of them to any Amount not exceeding the Amount herein-before specified: Provided also, that if such Rates or Tolls shall have been let or demised by the said Trustees no Alteration shall be made therein during the Continuance of such Lease or Demise unless with the Consent in Writing of the Tenant or Lessee.

Tolls may be raised or lowered.

XVIII. If any Dispute or Difference shall arise between the Collectors of the Rates or Tolls made payable under this Act and the Owner, Master, or Person having charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, and Merchandise, or other Things chargeable with or liable to the Payment of any of the said Rates or Tolls, concerning the Weight or Quantity of the same, it shall be lawful for such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be measured, weighed, or gauged, all such Goods, Wares, and Merchandise, or other Things as shall be in any Vessel where and when any Dispute shall arise; and in case any such Goods, Wares, and Merchandise, or other Things shall upon such weighing, measuring, or gauging appear to be of as much Weight, Measure, or Quantity as or of greater Quantity than such Collector did insist and affirm the same to be before the weighing, measuring, or gauging thereof, so as to make the same chargeable with or liable to the Payment of as much Money as or more Money than was demanded by the Collector before the weighing, measuring, or gauging of such Goods, Wares, or Merchandise, or other Things, then and in such Case the Master or Owner of such Boat, Barge, or other Vessel, or the Owner of such Goods, Wares, and Merchandise so weighed or measured or gauged, shall pay the Costs and Charges of such weighing, measuring, or gauging

If Disputes should arise about the Amount of Tolls, the Collectors may weigh the Goods.

thereof; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the Rates and Tolls made payable in and by this Act are appointed to be recovered; but in case such Goods, Wares, and Merchandise, or other Things, shall upon such weighing, measuring, or gauging appear to be of no greater Weight or Quantity than the Master or Owner declared the same to be before the weighing, measuring, or gauging thereof, then and in such Case such Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to the Master or Person having charge of such Boat, Barge, or other Vessel, or to the Owner of such Goods, Wares, and Merchandise, a Sum not exceeding Two Shillings and Sixpence for every Hour that such Boat, Barge, or other Vessel shall be detained by occasion of such weighing, measuring, or gauging, and so in proportion for any greater or less Time than an Hour; and in default of immediate Payment thereof the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, or of any Lessee of such Rates or Tolls by whom such Collector may have been employed, by Warrant under the Hand and Seal of any Two Justices of the Peace for the County, Liberty, or Place where such Collector shall reside, rendering the Overplus to the Owner thereof after such Distress and Sale made.

Lock-keepers to attend Locks.

XIX. Any Lock or Bridge Keeper appointed under the Provisions of this Act to have the Charge of opening or shutting any Lock or Bridge on any of the said Navigations shall constantly attend to the same, and shall at all reasonable Times open the same for the Passage of trading or other Vessels, the Tolls and other Rates required under this Act for such Vessels being paid, and the Byelaws, Rules, and Regulations which shall be made being complied with; and each such Lock or Bridge Keeper wilfully neglecting the Duties of his Office in any of the Matters aforesaid shall be liable to a Penalty of not more than Five Pounds for each Offence.

Penalty.

A List of the Rates, Tolls, &c. to be affixed in conspicuous Places.

XX. The said Trustees shall cause an Account or List, printed or painted in legible Characters, of the several Rates or Tolls which the said Trustees shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act, to be affixed on Boards in some conspicuous Place at or near which any such Rates or Tolls shall be collected or received, and shall cause the same to be continued and renewed as often as the same shall be obliterated or defaced.

Enforcing the Payment of Rates and Tolls.

XXI. It shall be lawful for the Collectors appointed and authorized in this Behalf by the said Trustees of the said Navigations respectively to demand and take the Tolls and Rates payable by virtue

virtue of this Act, and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls to the respective Persons appointed to receive the same as aforesaid, the said Trustees may sue for and recover the same by an Action of Debt in any of Her Majesty's Courts of Record
 5 or by Civil Bill, or the Person to whom such Rates or Tolls ought to have been paid may and he is hereby empowered to seize the Goods, Articles, or other Things for or in respect whereof any such Rates or Tolls ought to be or ought to have been paid, or any Part thereof, and the Vessel laden therewith, and detain the same until such
 10 Payment shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent, and such Rates, Tolls, and Charges
 15 satisfied thereout.

XXII. It shall be lawful for the said Trustees (if they shall think fit), by public Bidding, from Time to Time to let all or any of the Tolls and Rates payable under the Provisions of this Act for Terms not exceeding Seven Years, on such Conditions, and with such Security for the Payment of the Rent reserved on such Lease as the said Trustees shall deem expedient; and every such Lease shall be valid, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall have the same Powers and Authorities for collecting and
 20 recovering the same as are herein-before by this Act given to the said Trustees and the Person appointed by them to collect such Tolls and Rates.

Leasing the Rates and Tolls.

XXIII. In case any of the Rates or Tolls by this Act authorized to be taken shall be demised or let, and the Lessee thereof shall refuse or neglect to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee shall be in arrear or unpaid for the Space of Twenty-one Days next after any of the Days on which the same ought to be paid pursuant to the Lease of
 30 such Rates or Tolls, or in case any such Lease shall in any other Manner become void or voidable or determine, or in case any Collector of the said Rates or Tolls appointed by the said Trustees as aforesaid shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife,
 35 Widow, or any of the Children or Family, or any Representative of any such Collector, or any other Person being in possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Office, or other Building, with the Appurtenances thereto
 [202.] B respectively

Power of Re-entry in case of Nonperformance of the Conditions of the Lease.

respectively belonging, to be used for the Purposes of this Act, within the Space of Seven Days next after a Demand thereof in Writing on behalf of the said Trustees shall be given to him, or affixed to such Toll House, Office, or Building, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace acting within their Jurisdiction, upon any Application made by the said Trustees, by Warrants under the Hands and Seals of the said Justices, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House, Office, or other Building, with the Appurtenances, and to remove and put such Lessee, Collector, or other Person as shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Trustees, their Agent, or their new Lessee or Collector, into the Possession thereof; and it shall be lawful for the said Justices to declare such Lease to be void and determined, and the same shall be void and determined accordingly (save as to any Rights and Liabilities in respect of any Rent already accrued and any Breach of any Terms or Conditions already committed).

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How the Income derived from Navigation shall be applied.

XXIV. The Income which the said Trustees shall receive for or in respect of any Tolls or other Rates to be imposed and levied under this Act shall be applied, in the first instance, in paying the Salaries of the Officers and Servants authorized by this Act to be appointed by the Trustees, and in Payment of Expenses of collecting such Tolls and Rates as aforesaid, and of the Expenses attending or incident to the Maintenance of the Works of the Navigation of which they are Trustees, and all other Expenses attending the Conservancy of such Navigation.

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Expenses of Maintenance of Navigations not defrayed by Income to be paid by Counties, &c. according to Award of Commissioners.

XXV. All Expenses of and incident to the Maintenance and Conservancy of each of the said Navigations shall (so far as the same may not be defrayed out of the Income aforesaid) be borne and paid by such Counties, Baronies, and Townlands, and Parts thereof respectively, and in such Proportions as by the Award of the said Commissioners of Public Works shall be in this Behalf provided.

35

Treasury may advance Money during first Two Years for Expenditure of Trustees.

XXVI. It shall be lawful for the said Commissioners of the Treasury at any Time, and from Time to Time, within the first Two Years after the passing of this Act, if they think fit, upon an Estimate being laid before them by the Trustees of any of the said Navigations of what Sum will be requisite for the Expenses of such Navigation for the then current Year, to direct that any Sum or Sums of Money, not exceeding in the whole the Sum of Five hundred Pounds in any

One

One Year for any one of the said Navigations, shall be advanced and paid to such Trustees out of the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be applied, under the Direction of the said Trustees, in the necessary
 5 Maintenance and Repair of such Navigation and in the Payment of the Officers and Servants of such Trustees under this Act; and the said Commissioners of the Treasury shall certify from Time to Time to the Lord Lieutenant or other Chief Governor or Governors of Ireland the Sums so advanced, with a view to the Repayment thereof
 10 as herein-after provided.

XXVII. The Trustees of each of the said Navigations shall transmit to the Grand Jury assembled at the Summer Assizes One thousand eight hundred and fifty-seven, to be held for every County which or any Barony or Townland in which is liable to contribute towards
 15 the Expense of and Maintenance of such Navigation, an Account of the Receipts and Expenditure of such Trustees up to the Thirtieth Day of June One thousand eight hundred and fifty-seven inclusive; and such Trustees shall also furnish to such Grand Juries at each Spring and Summer Assizes to be thereafter held like
 20 Accounts of the Receipts and Expenditure of such Trustees from the Time to which their last preceding Account was made up to the Thirty-first Day of December and the Thirtieth Day of June inclusive next preceding the Commencement of the Assizes.

Trustees to account to Grand Juries at each Assizes.

XXVIII. The Grand Juries of the several Counties to which any
 25 such Account as aforesaid is transmitted under this Act in relation to any such Navigation shall, upon an Estimate being transmitted to them by the Trustees of such Navigation of what Sum will be requisite for the Expenses thereof until the following Assizes, without Application to Presentment Sessions or otherwise, present the Amount
 30 of such Estimate to be paid to the said Trustees, such Amount to be so presented by the said Grand Juries to be raised upon the respective Counties, Baronies, and Townlands liable to contribute to the Maintenance of such Navigation, and in the Proportions in which such Counties, Baronies, and Townlands are liable so to contribute.

Grand Juries, upon Estimates of Trustees, to present the necessary Amount.

XXIX. In case it appear to the Lord Lieutenant or other Chief
 35 Governor or Governors of Ireland, upon any Representation in this Behalf, of Five or more Persons paying County Cess within the Counties, Baronies, and Townlands or Parts thereof chargeable for the Maintenance of any of the said Navigations, that such Navigation, or any of the Works connected therewith, is or are not kept and
 40 maintained in good and proper Repair by the Trustees thereof, or that any sudden Damage has occurred to such Navigation, or any of

In case of Neglect of Navigations, same to be repaired.

the Works connected therewith, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors, if he or they think fit, to signify the same to the said Commissioners of the Treasury, and thereupon it shall and may be lawful for such last-mentioned Commissioners in any such Case, if they think fit, on an Estimate being laid before them by the said Commissioners of Public Works, or any Two of them, setting forth what Repairs are necessary, and what Sum will be requisite for such Repairs, to direct that any such Sum or Sums of Money, or any Part thereof, be advanced and paid to the said Commissioners of Public Works out of the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be applied under their Directions in such Repairs; and such last-mentioned Commissioners, or any Two of them, shall certify to the Lord Lieutenant or other Chief Governor or Governors of Ireland the Amount expended in such Repairs, with a view to the Repayment thereof as herein-after provided.

Provision for
Recovery of
Money ad-
vanced.

XXX. Where under this Act any Amount is certified to the Lord Lieutenant or other Chief Governor or Governors of Ireland by the said Commissioners of the Treasury or the said Commissioners of Public Works, or any Two of them, to have been advanced or expended by such Commissioners respectively under this Act, the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of Ireland, or in his Absence the Under Secretary, shall certify to the Secretaries of the Grand Juries of the Counties which or any Baronies or Townlands in which respectively are liable to contribute towards the Expense of maintaining the Navigation in respect of which the Advance or Expenditure was made, the Amount of Money so certified to the Lord Lieutenant or other Chief Governor or Governors to have been advanced or expended, and shall also certify the Proportions in which such Counties or any Baronies or Townlands therein respectively shall be chargeable with the Amount so advanced or expended, such Proportions to be the same as those in which such Counties, Baronies, and Townlands respectively are liable to contribute towards the Maintenance of such Navigation; and every such Certificate shall be laid before the Grand Juries of such Counties at the next Assizes after the Date thereof; and thereupon the Grand Juries of such Counties shall present the Amount stated in such Certificate to be paid to the Paymaster of Civil Services in Ireland, such Amount to be so presented by the said Grand Juries to be raised upon the respective Counties or Baronies or Townlands in conformity with such Certificate; and in default of Presentment as aforesaid by the Grand Jury of any County the Treasurer of such County is hereby required, without any Presentment or Authority, when issuing his Warrant for levying Grand Jury Cess, immediately after the Assizes

Assizes next ensuing the Date of such Certificate, to insert in a separate Warrant, to be by him issued for the Levy of the same, the Amount mentioned in such Certificate to be raised off such County, or the Barony or Baronies, Townland or Townlands therein mentioned; and
 5 such Amount as shall be so presented or included in any such Warrant as aforesaid shall be applotted, raised, and levied, sued for, and recovered, by such and the same Ways and Means as any Grand Jury Cess; and when and so soon as the Sum so to be presented or included in such Warrant as aforesaid shall be raised and received
 10 by the Treasurer of any such County, such Treasurer shall pay over the same to the Paymaster of Civil Services in Ireland, or in such Manner as the said Commissioners of the Treasury shall direct.

XXXI. It shall be lawful for the Trustees for the Time being of any
 15 Navigation, by and with the Consent of the Grand Juries of the several Counties which or any Baronies or Townlands in which respectively are liable to contribute to the Maintenance of such Navigation, such Consent to be signified by Resolutions of such Grand Juries at any Assizes, to dispose of such Navigation, together
 20 with the Tolls thereof, and the Locks, Weirs, and other Works thereto belonging, to any Person willing to purchase the same, and the Receipts of the said Trustees under their Seal and the Hands of any Three or more of them, for any Purchase Monies thereof, shall be sufficient Discharges for the same; and such Monies shall be paid to
 25 the Treasurers of the respective Counties which or any Baronies or Townlands in which contributed to the Expense of the Construction of such Navigation, in the Proportions in which such Counties, Baronies, and Townlands contributed thereto, to be placed by
 : such Treasurers respectively to the Credit of their respective Counties, or such Baronies or Townlands therein, as aforesaid; and after
 30 such Disposition such Counties, Baronies, and Townlands shall cease to be liable to maintain such Navigation, and the Purchasers and their Assigns shall have all the Rights with respect to the said Navigation, Works, and Tolls, and otherwise, subject to the same
 35 Control, as the said Trustees would have had and been subject to.

Power to Trustees, with Consent of Grand Juries, to dispose of Navigations.

XXXII. It shall and may be lawful for the said Trustees and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to make such Byelaws as to them shall seem meet
 40 and proper for regulating the Conduct and Management of the Business of the said Trustees, and Conduct of all Officers, Workmen, and Servants employed by them, and for the well and orderly using and preserving the Navigation of which they are Trustees and the Off-

Trustees to make Bye-laws.

branches thereof respectively, and the Banks, Basins, Reservoirs, Tunnels, Locks, Sluices, and all other Works thereto respectively belonging, and for regulating the passing and re-passing of all Ships, Boats, Lighters, Barges, and other Vessels, and the carrying of all Goods, Wares, Merchandise, and Commodities which shall be navigated or conveyed thereon respectively, and for the orderly Behaviour of all Seamen, Boatmen, Watermen, Bargemen, and others who shall navigate such Ships, Boats, Barges, Lighters, and other Vessels upon such Navigation or the Off-branches thereof, or who shall be employed in carrying or conveying any Goods, Wares, Merchandise, or Commodities thereon, and for the Superintendence, Management, and Conservation of the said Navigations and Off-branches thereof respectively in all other respects whatever, and from Time to Time to alter or repeal all or any of such Byelaws, and to make others, and to impose such Fines and Penalties upon all Persons offending against any of such Byelaws as to the said Trustees shall seem reasonable, not exceeding the Sum of Five Pounds for any One Offence, any such Fine or Penalty to be recoverable on summary Conviction; which said Byelaws shall be reduced into Writing, and sealed by the said Trustees, and printed and published; and such of the same as shall subject any Person not being an Officer or Servant of the said Trustees to any Fine or Penalty shall be painted on Boards, and hung up and affixed and continued in some Place at or near which any Rates or Tolls shall be collected under this Act, and in such Places as to the said Trustees shall seem fit, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Byelaws shall be binding upon and shall be observed by all Persons whatsoever, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Byelaws be approved of by a Judge of One of Her Majesty's Superior Courts of Record in Dublin.

Copy of Byelaws to be Evidence.

XXXIII. Provided always, That in all Cases of Prosecution for any Offence or Offences against any of the Byelaws of the said Trustees, the Production of a written or printed Paper purporting to be the Byelaws of the said Trustees, and authenticated by the Seal of the said Trustees, shall be Evidence of the Existence of such Byelaws.

Penalty on Persons depositing Gravel, &c. so as to obstruct the River.

XXXIV. If any Person shall throw or deposit any Ballast, Gravel, or other Matter or Thing, so as to interrupt or obstruct the free Passage of Water or Vessels into, through, or in any of the said Navigations, or any of the Cuts, Sluices, or Canals, or any of the Off-

Off-branches, or shall, without the Consent of the said Trustees, lay any Ballast, Gravel, Stones, Dirt, Rubbish, Lime, Timbers, or Clay on any of the Banks, Locks, or Trackways of any of the Navigations aforesaid, or do any other Damage to the said Navigations or any of them, or if any Person shall maliciously open any Lock, Sluice, Dam, Gate, or Watercourse belonging to any of the said Navigations, or shall so leave any of the same open after any Boat has passed, or otherwise mis-spend or waste the Water of any of the said Navigations, every such Person on summary Conviction of any of the Offences aforesaid shall be subject to a Penalty not exceeding Ten Pounds.

XXXV. If any Offence against or Breach of any Provision of this Act or any Byelaw made as aforesaid be continued, or be not abated, removed, or discontinued within Seven Days after Notice in Writing shall have been served on or left at the usual Place of Abode of the Person or Persons committing such Offence or Breach, requiring him or them to discontinue the same, every such Continuation shall be deemed and taken to be a separate and distinct Offence within the Meaning of this Act; and such Person shall on summary Conviction thereof be subject to a Penalty not exceeding Five Pounds for each and every Day of such Continuation.

If any Nuisance be continued after Notice, it shall be considered a new Offence.

XXXVI. If any Person or Persons shall wilfully prevent, assault, or threaten to assault any of the Trustees for the Execution of this Act, or any Engineer or other Officer, Servant, or Workman acting in aid or under the Orders of any such Trustee in the Execution of any of the Powers given by this Act, or shall injure, damage, or destroy any of the Piers, Quays, Landing Places, Wharfs, Beacons, or Lighthouses, or any Work or Works connected with the said Navigations, or shall persist in doing so after having been required by the said Trustees or any of them, or any Person acting under them, not to do or continue to do any Matter or Thing injurious to any of the said Works, or shall do any other Matter or Thing prohibited by any of the Provisions of this Act, or any Byelaw made in pursuance thereof, any Person so offending shall for every such Offence, upon summary Conviction thereof, be subject to a Penalty not exceeding Five Pounds.

Penalty on Persons assaulting Officers and others.

XXXVII. And whereas by means of the Works of the Commissioners of Public Works in Ireland, under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, and the Acts since passed amending the same, the Waters in certain Rivers and Lakes have been lowered so as to make Land formerly covered with Water profitable to the Proprietors thereof, and Doubts may exist as

Power to include in Award Lands formerly covered with Water.

to the Power of the said Commissioners to include such Lands in their final Award, and charge the same with a Proportion of the Expense of the Works in the District in which such Lands so made profitable are situate:

It shall be lawful for the said Commissioners of Public Works in 5 and by their final Award in any District to include any such Lands which may have been previously to the Commencement of the Works of the said Commissioners covered with Water and unprofitable, and to charge such Lands and the Proprietors thereof with a fair Proportion of the Expenses incurred by the said Commissioners in the Execution 10 of the Works within any such District, in the same Manner as the other Lands within any such District.

Number of
Trustees for
Maintenance
of Drainage
Works may
be any
Number not
exceeding
Fifteen.

XXXVIII. And whereas by reason of the great Extent of some Drainage Districts it may be expedient to appoint a greater Number of Trustees for the Maintenance of the Drainage Works than is 15 authorized by the said Act of the Fifth and Sixth Years of Her Majesty:

The Number of Trustees to be appointed under the said Act of the Fifth and Sixth Years of Her Majesty, for the Maintenance of any Works of Drainage, may be any Number not exceeding Fifteen; 20 and where before the passing of this Act Trustees have been appointed for the Maintenance of any such Works, the Number of such Trustees may at any Meeting, to be called in like Manner as a Meeting for the Election of new Trustees, be increased to any Number not exceeding Fifteen.

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CLAUSE C.
Rates for
Maintenance
of Drainage
Works (as
well as In-
stalments)
recoverable
by Civil Bill.

XXXIX. The Rates for Maintenance of the Drainage Works in any District in Ireland assessed by the Trustees for the Maintenance of such Works, as well as the Instalments payable under any final Award of the said Commissioners of Public Works, shall be recover- 30 able by Civil Bill against the Proprietor for the Time being, within the Meaning of the said Act of the Fifth and Sixth Years of Her Majesty, of the Lands charged therewith, but without Prejudice to any Power now vested in the Trustees of such Drainage Works, or such Commissioners respectively, for the Recovery thereof.

Drainage (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To provide for the Maintenance of Navigations made in connexion with Drainage, and to make further Provision in relation to Works of Drainage in Ireland.

(Prepared and brought in by
Mr. Wilson, the Chancellor of the Exchequer, and
Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, to be Printed,
26 June 1856.

[Bill 202.]

Under 3 oz.

Dublin Metropolitan Police Bill.

ARRANGEMENT OF CLAUSES.

Interpretation Clause; Sect. 1.
Short Title of Act; 2.
Commencement of Act; 3.
Certain Acts and Parts of Acts repealed; 4.

Police District.

Police District defined; 5.
The Lord Lieutenant may direct any Parishes within certain Limits to be added to the District; 6.
Police District may be divided; 7.

Appointments, Salaries, and Pensions.

Commissioners, &c. already appointed, to retain Offices; 8.
Appointment of Clerks and Officers in Police Offices vested in the Lord Lieutenant; 9.
No Office under this Act to prevent the Holder from receiving Half Pay; 10.
Act not to affect Salaries, Pensions, &c. charged on Police Funds; 11.
Compensation Clause; 12.
Allowances to be suspended or diminished on Appointment, with equal or less Salary; 13.
No Commissioner, Justice, &c. to sit in Parliament, or vote at certain Elections. Penalty 100*l.* Proviso; 14.
No Brewer, &c. to hold any Office; 15.
Persons holding Office, if declared bankrupt or insolvent, disqualified; 16.

Commissioners, &c.

Removal, Appointment, and Qualification of Commissioners. Proviso; 17.
Salary of Commissioners; 18.
Future Commissioners to be Chief and Assistant Commissioner; 19.
One Commissioner may act in certain Cases; 20.
Oath to be taken by the Commissioners; 21.

Commissioners shall be Justices of the Peace for every County, &c. in Ireland ; 22.

- Commissioners may make Regulations for the Management of the Police Force. Constables may be suspended or dismissed by the Commissioners ; 23.

Commissioners empowered to swear in Special Constables ; 24.

Powers of Special Constables, who are to act without Emolument. Commissioners may annul the Appointment of such Special Constables ; 25.

Commissioners to post up Descriptions of Felons, Receivers of stolen Goods, &c., and circulate the same free of Postage ; 26.

Commissioners to sign all Licences ; 27.

Licences.

No Person to hawk about Trees, Books, &c. without Licence ; 28.

Penalty on Pawnbroker trading without Licence ; 29.

Penalties on Persons requiring such Licence, and not having or not producing the same ; 30.

Person requiring Licence to give in his Name, &c. ; 31.

Penalty on forging Licences ; 32.

Penalty on Vintners not producing Licence on Demand ; 33.

Receiver.

Treasury may appoint a Person to be the Receiver of all Monies applicable to the Purposes of this Act, who shall give Security. In case of Sickness or necessary Absence of Receiver, Power to appoint a Person to act in his Place ; 34.

Duties of Receiver, Accounts, &c. The Money to be placed in the Bank of Ireland, and drawn out by the Receiver. Receiver's Drafts to be countersigned ; 35.

Duties levied under this Act to be paid to Receiver ; 36.

Receiver's Accounts to be audited ; 37.

Accounts to be laid before Parliament annually ; 38.

Receiver to pay the Salaries and Wages of the Police under the Direction of the Chief or Under Secretary, as also Rewards for Activity and Superannuation Allowances ; 39.

The Receiver shall contract for any Land or Buildings that may be required. The Property to be vested in him ; 40.

Receiver may purchase Lands ; 41.

Receiver may sell unclaimed stolen Goods after Twelve Months ; 42.

Upon the Death or Removal of a Receiver, the Balance of the Cash in the Bank shall be transferred to his Successor ; 43.

Upon

Upon the Removal of the Receiver, his Successor may sue for any Balance in his Hands. Mode of proceeding ; 44.

Special Bail. Court may refer the Accounts to an Officer or Arbitrator ; 45.

Mode of proceeding against the Representatives of a deceased Receiver ; 46.

Police Force.

A Police Force for the whole District appointed, &c. ; 47.

Constables, &c. under this Act invested with same Powers as similar Officers under Laws now in force ; 48.

Form of Oath to be taken by all Constables appointed under this Act ; 49.

Superintendents, &c. shall be Inspectors of Weights and Measures ; 50.

Sub-Standard Weights and Measures to be provided ; 51.

Punishment for improper Use of Copies, and for false Weights and Measures ; 52.

No Constable to be a menial Servant, &c. ; 53.

Police Vans, &c. exempted from Turnpike Tolls ; 54.

Penalty on Publicans harbouring Constables during Hours of Duty ; 55.

Constables dismissed to deliver up Accoutrements ; 56.

Penalty on Pawnbroker or other Person wilfully taking such Clothing, &c. into Pawn ; 57.

Penalty for unlawful Possession of Accoutrements, or for assuming the Dress of Constables ; 58.

Removing Furniture to evade Rent ; 59.

Power to arrest Persons carrying stolen Goods ; 60.

Constables to search for concealed Arms ; 61.

Constables to break open Houses to search for Traitors, Felons, &c. ; 62.

Warrant, &c. may be served out of Districts by any Constable ; 63.

Police to have the Power of Constables upon the River Liffey, &c. ; and may take into Custody any Person who, to prevent Discovery, shall wilfully let fall any Articles into the River or Harbour of Kingstown ; 64.

Superintendents and Inspectors may board Vessels ; 65.

Superintendent, &c. having just Cause to suspect Felony, may enter on board Vessels, &c. to take up suspected Persons ; 66.

Power to Police Constables and Persons aggrieved to apprehend certain Offenders, &c. ; 67.

Constables may apprehend any Offender whose Name and Residence are not known ; 68.

Constables may apprehend Thieves, &c. without Warrant, in certain Cases ; 69.

Persons charged with recent Assaults may be apprehended without Warrants ; 70.

Persons apprehended without Warrant to be taken to the Station House ; 71.

Power to bind over Persons making Charges ; 72.

Inspector may take bail for Appearance of Parties before a Justice, &c. ; 73.

Nature and Form of Recognizance of Bail ; 74.

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Horses, Carriages, &c. of Offenders may be detained ; 77.

Police Courts.

Lord Lieutenant empowered to establish Police Courts within the District ; 78.

The Chief or Under Secretary may make Rules for conducting the Business of the Courts ; 79.

Place in which Justices shall sit to hear summary Proceedings to be deemed an open Court. Parties to be allowed to plead by Counsel or Attorney ; 80.

Place where Examinations in Proceedings for indictable Offences are taken not to be deemed an open Court without Consent of Justice. Power to commit and fine for Contempt of Court ; 81.

No Attorney to be permitted to practise in Police Courts, unless admitted in Superior Courts ; 82.

Attorneys may be suspended for Misconduct. Appeal by Petition to Queen's Bench ; 83.

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Fees, &c. ; 84.

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No Person charged with High Treason shall be admitted an Approver without Consent of Attorney General or Solicitor General; 94.

Power of Justices under 35 & 36 G. 3. to vest in Divisional Justices; 95.

Divisional Justice may determine between Pawnbrokers and Borrowers; and levy Money awarded by Distress; and for Want of Distress to imprison the Party for Two Months; 96.

Disputes between Watermen and others to be settled by a Divisional Justice; 97.

Divisional Justices may award reasonable Compensation for Hurt or Damage; 98.

Power to award Costs on hearing of Charges; 99.

Power to remand or enlarge Prisoners on Recognizances; 100.

Power to lessen the Shares of Penalties to Informers; 101.

Power to mitigate Penalties. Proviso as to Revenue Acts; 102.

Divisional Justices may proceed by Summons, and if Party summoned does not appear, may issue Warrant; 103.

Warrant for Apprehension may be issued without Summons, &c.; 104.

Justices may enforce the Attendance of Witnesses. Witnesses to be protected from Arrest for Debt; 105.

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Justices not compellable to act out of their Office, or in Offences not being Treason or Felony. Power to commit to Kilmainham Persons charged with Offences beyond District; 108.

Amends may be awarded for frivolous Informations; 109.

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Extension of 16 & 17 Vict. c. 30. s. 1. as to Aggravated Assaults on Females, &c. ; 125.

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Justice may order Punishment in following Cases : Journeymen, &c. for spoiling Goods or Work. Destroying, &c. any Fruit or vegetable Production in a Garden, &c. Destroying, &c. vegetable Productions not growing in Gardens, &c. ; First Offence ; Second Offence. Destroying or damaging Trees, Shrubs, &c. of any Value under 5*l*. Destroying, &c. any Fence, Wall, Stile, or Gate ; First Offence ; Second Offence. Obstructing Export of Agricultural Produce. Breaking Windows or injuring other Property of a Workhouse. Damage to Property in any Case not previously provided

provided for (where Value under 5*l.*) Malice against the Owner not essential to any of such Offences, but not to apply to unintentional Trespasses; 128.

Justices may order Punishment in the following Cases: Hunting, &c. Deer in any enclosed Ground. Stealing Dogs or Beasts or Birds ordinarily kept in Confinement, and not the Subjects of Larceny. Stealing, &c. any live or dead Fence, Wooden Stile, or Gate; First Offence; subsequent Offence. Stealing Trees, Shrubs, &c. under the Value of 5*l.*, growing anywhere; First Offence; Second Offence. Stealing Trees, Plants, Vegetables, &c. severed from the Soil, or Turf Fuel, not exceeding 40*s.* in Value; First Offence; Second Offence. Workman, &c. making away with Goods committed to his Care; Justice may order Restitution of such Property; 129.

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Persons found undressing in an exposed Place may be arrested without Warrant, and fined or committed; 133.

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Penalties for Offences. Leaving Carriages, &c., on Road. Flax, Corn, Cart-wheels, &c. Flax, Bricks, Bonfires, &c. Obstruction by Carriages, &c.; by Trees, &c.; upon Footways. Carriages, Carts, &c. Rule of Road. Exposing Horses, &c. for Show. Riding on Carriage without Leave of Owner ; 150.

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Penalties.

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SCHEDULES.

21 April 1856. 19 VICT.



(Ireland.)

A

BILL

TO

Amend and consolidate the Acts relating to the
Dublin Metropolitan Police Force.

WHEREAS it is expedient to amend the Laws relating to the Dublin Police, and to the Administration of Justice within the Police District of Dublin Metropolis, and to consolidate the Statutes and Parts of Statutes relating thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In the Interpretation of this Act, save when there is anything
 10 in the Subject or Context repugnant to such Construction, the fol-
 lowing Words and Expressions shall have the several Meanings
 hereby assigned to them: The Words "Lord Lieutenant" shall
 mean the Lord Lieutenant or other Chief Governor or Governors of
 Ireland for the Time being; "Chief or Under Secretary" shall mean
 15 the Chief or Under Secretary of the Lord Lieutenant; "Commis-
 sioner" shall include "Assistant Commissioner;" "Justice" shall mean
 "Divisional Justice"; "summary Jurisdiction" shall be deemed to
 [Bill 107.] A mean

mean any Case as to which a summary Conviction or Order may be made by any Divisional Justice; and "summary Proceedings" shall mean any Proceedings in respect to such Case; the Word "Complaint" shall include "Information," and "Complainant" shall include "Informant" or "Prosecutor;" the Word "Order" shall include "Conviction;" 5 the Word "Gaol" and "Common Gaol" shall include any "Gaol," "House of Correction," or "Bridewell" within the Metropolitan Police District; the Word "Road" shall include "Highway" or other public Thoroughfare, and "Street" shall include any Lane or Passage in any City or Town; and the Word "Horse" shall include any other Animal 10 of any Kind commonly used or employed in drawing any Kind of Carriage; "Treasury" shall mean the Lord High Treasurer or Commissioners of the Treasury for the Time being; "Goods" shall include Chattels.

Short Title
of Act.

II. This Act may be cited for all Purposes as "The Dublin Police 15 Act, 1856."

Commence-
ment of Act.

III. This Act shall commence and take effect on the
Day of in the Year of our Lord One thousand eight
hundred and fifty-six.

Certain
Acts and
Parts of Acts
repealed.

IV. From and after the *Commencement of this Act*, the several 20 Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act and such Parts of every other Act as shall be inconsistent with this Act, shall be and they are hereby repealed; provided, that such Repeal 25 shall not affect anything duly done, any Appointment duly made, any Security duly given, or any Liability accruing, before the Commencement of this Act, or any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence committed before the Commencement of this Act, or the Institution or prose- 30 cuting of any Investigation or Proceeding in relation to any such Liability or Offence.

Police District.

Police Dis-
trict defined.
1 Vict c. 25.
s. 1

V. From and after the *passing of this Act* Her Majesty's Castle of Dublin, and all Places situated and contained within the Limits or Boundary specified and described in Schedule (B.) to this Act 35 annexed, shall continue to be and be called "The Metropolitan Police District;" and all Parts of the County of Dublin not comprised within the said District; as the same is by this Act limited and defined, shall be deemed to be the County of Dublin for the Purpose of and within the Intent and Meaning of the Act of the Sixth and Seventh Years of 40 the Reign of King William the Fourth, Chapter Thirteen.

6 & 7 W. 4.
c. 13.

VI. And

VI. And whereas it may hereafter become expedient that the Provisions of this Act should be extended to other Places in addition to the Places comprised within the Limits or Boundary described in Schedule (B.): Be it therefore enacted, That it shall be lawful for the Lord Lieutenant to order that any Parish or Place in the County of Dublin shall, after a certain Day to be named in such Order, be added to and form Part of the said Police District, and thereupon and by force of such Order such Parish or Place shall become to all Intents and Purposes Part of such Police District, as if the same had been originally included therein by this Act.

Police District.
Lord Lieutenant may direct Parishes within certain Limits to be added to District.
1 Vict. c. 25. s. 2.
2 & 3 Vict. c. 78. s. 14.

VII. And whereas the said Police District of Dublin Metropolis now consists of Three Divisions, in each of which One or more Police Courts are established, with Divisional Justices to attend therein: And whereas it may be expedient to reduce the Number of Divisions, Police Courts, and Divisional Justices for the said Police District: Be it therefore enacted, That it shall be lawful for the Lord Lieutenant, if he shall so think fit, to re-divide the said Police District of Dublin Metropolis, and reduce the Number of Divisions, and to define and declare the Limits thereof accordingly, and to establish Metropolitan Police Courts therein, and from Time to Time, as such Lord Lieutenant shall think proper, to alter the Number of such Divisions or the Limits thereof, or to discontinue or alter the Situation of any of the said Police Courts, or to increase or diminish the Number of Justices attached thereto respectively.

Police District may be divided.
1 Vict. c. 25. s. 13.

VIII. Every Person now holding any of the following Offices in the Police Force, that is to say, Commissioner, Divisional Justice, Receiver, Secretary, Chief and other Clerks attached to the Metropolitan Police Department, Divisional and other Police Courts, shall continue to hold his Office under this Act, as he has heretofore held the same, unless superseded under this Act.

Appointments, Salaries, and Pensions.
Commissioners, &c. already appointed to retain Offices.

IX. From the passing of this Act the Appointment of all Clerks and Officers in the Police Department and in the Police Courts shall be vested in the Lord Lieutenant.

Appointment of Clerks and Officers in Police Offices vested in Lord Lieutenant.

X. No Office or Employment under this Act shall prevent the Holder thereof from receiving any Half Pay to which, if he did not hold such Office or Employment, he might be or become entitled under any Act passed or hereafter to be passed, unless it shall be specially mentioned and provided in such Act that Persons holding such Appointments shall not receive Half Pay.

No Office to prevent Holder from receiving Half Pay.
1 Vict. c. 25. s. 19.

XI. Nothing in this Act contained shall affect the regular and usual Payment of any Salary, Superannuation Allowance, Pension, or other

Act not to affect Salaries, Pensions, &c.

*Appointments,
Salaries,
and Pensions.*

sions, &c.
charged on
Police Funds.

48 G. 3.
c. 140. s. 17.
6 & 7 W. 4.
c. 29. s. 12.
1 Vict. c. 25.
s. 17.
1 & 2 Vict.
c. 63. ss. 1 & 2.
10 & 11 Vict.
c. 100. s. 10.

other Money heretofore charged upon and payable out of the Funds of the said Police Establishment, in pursuance of any Act of Parliament, or by virtue of any Warrant, Direction, Grant, or Allowance of the Lord Lieutenant or the Treasury; but all such Salaries, Pensions, Superannuation Allowances, or other Money shall be paid in the same Manner and at the same Time that such Salaries, Superannuation Allowances, Pensions, or other Money have been paid before the Commencement of this Act; and provided also, that nothing in this Act contained shall affect the Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter One Hundred, or the Power of the Treasury, upon the Terms and subject to the Conditions in the said Act contained, to grant any Pension, Superannuation Allowance, or Gratuity to any Person holding an Appointment in the Dublin Metropolitan Police, whether such Appointment shall have been made under any Act heretofore passed, or under this Act.

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Compensa-
tion Clause.
Dublin
Rates Act,
12 & 13 Vict.
c. 91. s. 57.

10 & 11 Vict.
c. 100.

1 & 2 Vict.
c. 63. s. 2.
Dublin
Police Act.

XII. It shall be lawful for the Lord Lieutenant, with the Consent of the Treasury, to grant to any Commissioner of Police, Divisional Justice, Clerk, or other Person belonging to any of the Offices of the Police Department of the District of Dublin Metropolis, whose Office shall be abolished, cease, or become unnecessary under this Act, and who shall at the Time of such Office being so abolished, ceasing, or becoming unnecessary be qualified to receive a Retiring Allowance, if such Person were then removed from such Office, under the Provisions of the said Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter One hundred, such an adequate Compensation in manner prescribed by the said Act as he shall deem just: Provided always, that in case any Person whose Office shall be so abolished, cease, or become unnecessary shall have contributed, under the Provisions of the said last-recited Act, for a Time short of the Period required to qualify such Person to receive a Retiring Allowance, it shall be lawful to grant to such Person such a Proportion of the Salary of which he shall be in receipt at the Period of his Removal from Office as in the Judgment of the Lord Lieutenant, subject to the Approbation of the Treasury, shall meet the Justice of the Case; and in calculating the Period for which any Person shall have served, it shall be lawful to reckon the Time during which such Person may have been employed under any of the Acts hereby repealed, or in any Office concerned in the Execution thereof.

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Allowances
to be sus-
pended or
diminished
on Appoint-
ment, with
equal or less
Salary.

XIII. Provided always, That the Payment of any such last-mentioned Compensation or Allowance shall altogether cease and be suspended while the Person to whom such Compensation or Allowance shall be granted shall hold any Office in any Public Department, the Salary or Profits whereof shall be equal to or shall exceed the said Compensation

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Compensation or Allowance; and in case the Salary or Profits of the Office to which such Person may be appointed shall be less than the said Compensation or Allowance, then no more of such Compensation or Allowance shall be paid to him than so much as, together with the
 5 Salary and Profits of such new Office, shall be equal to the Amount of the Salary enjoyed by such Person at the Time of his Removal from Office as aforesaid.

*Appointments,
Salaries,
and Pensions.*
 1 Vict. c. 25.
 s. 15.

XIV. No Commissioner, Divisonal Justice, or Receiver shall, so long as he shall hold such Office, be capable of being elected or of
 10 sitting as a Member of the House of Commons; and no Commissioner, Justice, Receiver, or Person belonging to the said Police Force shall, during the Time that he shall continue in such Office or Force, or within *Six* Calendar Months after he shall have quitted the same, be capable of giving his Vote for the Election of a Member to serve in
 15 Parliament for the Counties of Dublin, Wicklow, Kildare, or Meath, or for the County of the City of Dublin, or for any Borough within the said Counties, nor shall in any Manner endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for any Person to be a Member to serve in Parliament for any such County,
 20 City, or Borough; and if any such Commissioner, Justice, Receiver, or Person shall offend herein he shall forfeit *One hundred Pounds*, to be recovered by any Person who will sue for the same within *Six* Calendar Months after the Commission of the Offence; and *one Moiety* of the Sum so recovered shall be paid to the informer, and the
 25 *other Moiety* thereof to the Receiver as Part of the Funds for the Purposes of this Act: Provided always, that nothing in this Enactment contained shall subject any such Commissioner, Justice, Receiver, or Person to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his official Duty.

No Commis-
sioner, Jus-
tice, &c. to
sit in Parlia-
ment,
6 & 7 W. 4.
c. 29. s. 19;
or vote
at certain
Elections.

Penalty, 100*l*.

Proviso.

XV. No Person using or exercising the Trade of a Brewer or Distiller, or Dealer in Wine by Retail to licensed Public Houses, or being a Partner of such; no Person who shall have a Licence to sell Malt Liquors or Spirituous Liquors, or who shall in any Manner be engaged as a Seller thereof; and no Victualler or Person keeping a
 30 Public House, shall be capable of holding any Office in the said Police.

No Brewer,
&c. to hold
any Office.
6 & 7 W. 4.
s. 23.

XVI. If any Person holding any Office of any Description whatsoever under "The Dublin Carriage Act, 1853," or this Act, shall be declared bankrupt, or shall apply to take the Benefit of any Act for
 40 the Relief of Insolvent Debtors, then and in every such Case such Person shall thereupon immediately become disqualified, and shall cease to hold such Office.

Persons
holding
Office, if
bankrupt
or insolvent,
disqualified.
3 & 4 W. 4.
c. 108. s. 88.

Commissioners,
&c.

Removal,
Appoint-
ment, and
Qualification
of Commis-
sioners.

Proviso.

Salary of
Commis-
sioners.
6 & 7 W. 4.
c. 29. s. 3.

Future Com-
missioners
to be Chief
and Assis-
tant Commis-
sioner.

One Com-
missioner
may act in
certain Cases.

Oath to be
taken by
Commis-
sioners.

XVII. It shall be lawful for the Lord Lieutenant, if he shall think fit, to remove the Commissioners holding Office at *the Commencement of this Act*, or either of them, and upon any Vacancy in the Office of Commissioner by Death, Removal, or otherwise, and, subject to the Provision herein-after contained, to appoint another fit Person 5 Commissioner or Assistant Commissioner in lieu of the Person making such Vacancy, and such Person during the Continuance of his Appointment, shall execute the Duties of Commissioner under this Act, although he may not have any such Qualification by Estate as is required by Law in the Case of a Justice of the Peace for a 10 County : Provided always, that no such Commissioner shall act as a Justice of the Peace at any Court of General or Quarter Sessions, nor in any Matter out of Sessions, except for the Preservation of the Peace, the Prevention of Crimes, the Detection and Committal of Offenders, and in carrying this Act into execution. 15

XVIII. It shall be lawful for the Lord Lieutenant to direct that an annual Salary, not exceeding the Sum of *One thousand Pounds*, shall be paid out of such Funds as Parliament shall provide, to each of the Commissioners now holding Office or hereafter to be appointed, and that the same shall be payable quarterly. 20

XIX. Provided always, That upon any Vacancy occurring in the Office of either of the Commissioners now holding Office, the Commissioner to be appointed to such vacant Office shall be an Assistant Commissioner to the remaining Commissioner, who shall thereupon become Chief Commissioner, and thenceforth the Commissioners 25 under this Act shall be respectively Chief Commissioner and Assistant Commissioner, as the Lord Lieutenant shall in that Behalf appoint, and the Salary of the Assistant Commissioner shall not exceed *Eight hundred Pounds*, anything herein-before contained to the contrary notwithstanding. 30

XX. Any Act or Thing herein or by any other Act authorized to be done by the Commissioners may be done by either of the Commissioners now holding Office, and after the Commissioners shall have become Chief and Assistant Commissioner as herein provided may be done by the Chief Commissioner alone, or in his Absence by the 35 Assistant Commissioner alone, provided that to establish the Validity of any Act or Thing done by the Assistant Commissioner it shall not be necessary to prove the Absence of the Chief Commissioner.

XXI. Every Commissioner to be appointed under this Act shall, before he shall begin to execute the Duties of his Office, take the 40 following

following Oath before some Justice or Baron of One of Her Majesty's Courts of Record at Dublin ; (that is to say,) *Commissioners, &c.*

‘ I A.B. do swear, That I will faithfully, impartially, and honestly,
‘ according to the best of my Skill and Knowledge, execute all
5 ‘ the Powers and Duties of a Commissioner under and by virtue of
‘ “The Dublin Police Act, 1856.”’ 6 & 7 W. 4.
c. 29. s. 2.

XXII. From *the passing of this Act* the Commissioners and their Successors in the said Office shall take before any Two Magistrates the Oaths by Law required to be taken by Justices of the Peace in
10 Ireland, and shall thereupon become, without further Qualification or Appointment, and continue so long as they shall respectively hold the said Office, but no longer, Justices of the Peace for every County, County of a City, County of a Town, and Town and Liberties in Ireland ; and in the Investigation and determining of any Charge or
15 other Matter which shall come before them relating to the said Police Force, or which the Chief or Under Secretary may direct the Commissioners to investigate, it shall be lawful for the Commissioners to examine upon Oath all Parties and Witnesses. *Commissioners shall be Justices for every County, &c. in Ireland.*
6 W. 4. c. 13. s. 5.

XXIII. The Commissioners may from Time to Time, subject to
20 the Approbation of the Chief or Under Secretary, frame such Regulations as they shall deem expedient, relative to the general Government of the Police Force under this Act, the Places of the Residence, the Classification, Rank, and particular Service of the several Members, their Distribution and Inspection, the Description of Arms, Accoutre-
25 ments, and other Necessaries to be furnished to them, and which of them shall be provided with Horses for the Performance of their Duty, and all such other Regulations relative to the said Police Force as the Commissioners shall from Time to Time deem expedient for preventing Neglect or Abuse, and for rendering such Force efficient in the
30 Discharge of all its Duties ; and the Commissioners may at any Time suspend or dismiss any Man belonging to the said Police Force whom they shall think remiss or negligent in the Discharge of his Duty, or otherwise unfit for the same ; and when any Man shall cease to belong to the said Police Force, all Powers vested in him by virtue of this
35 Act shall immediately determine. *Commissioners may make Regulations for the Management of Police Force.*
6 & 7 W. 4. s. 5.

XXIV. It shall be lawful for the Commissioners in all Cases of actual Tumult, Riot, or Felony in any Part of the said Police District, or upon reasonable Apprehension of any such Tumult, Riot, or Felony grounded upon Information on Oath, and if the Exigency of the
40 Occasion shall in the Judgment of the Commissioners so require, to appoint any Number of Persons to be Special Constables, to act as
[107.] *Commissioners empowered to swear in Special Constables.*
5 G. 4. c. 102. s. 14.

Commissioners,
 &c.
 —

Constables within the said District, for a certain Time to be limited by the Commissioners, without Fee or Reward, and to administer to such Persons so appointed the usual Oath administered to ordinary Constables of the said District.

Powers of
 Special Con-
 stables, who
 are to act
 without
 Emolument.

Commis-
 sioners may
 annul the
 Appointment
 of such Spe-
 cial Con-
 stables.

XXV. Such Special Constables when so appointed and sworn in 5 shall, during the Time so to be limited, have all the same Powers, Privileges, Protections, and shall be subject to all the same Commands and Regulations, as ordinary Constables duly appointed for the said District: Provided always, that no such Special Constable shall be so appointed or sworn in unless he shall consent to act as Constable 10 without any Emolument or Reward whatsoever: Provided also, that it shall be lawful for the Commissioners, before the Expiration of the Term during which such Constables shall have been authorized to act, to annul the Appointments made of such Constables either in the whole or in part, or to remove such Constables or any of them from 15 the Office and Authority of Constable; and thereupon all the Powers and Privileges of such Special Constables shall cease and determine accordingly.

Commis-
 sioners to
 post up
 Descriptions
 of Felons,
 Receivers of
 stolen Goods,
 &c., and cir-
 culate same
 free of
 Postage.
 48 G. 3. s. 44.

XXVI. The Commissioners shall cause Notices containing Descrip- 20 tions of Felons or Persons accessory to Felony, or Receivers of stolen Goods, and also Descriptions of Goods and Chattels stolen or feloniously taken and carried away, harboured, or concealed within the said District or elsewhere in Ireland, and all such other Circumstances relative thereto as they may think necessary, to be fixed up in such Parts of the said Police District of Dublin as shall be deemed by them 25 most proper; and also shall cause Copies of the same to be circulated through such Parts of Ireland as they shall think proper; and the Postmaster General, or his Deputy, or other Person employed by him shall, so often as he shall be thereunto required by the Commis- sioners, cause such printed Notices to be despatched from the Post 30 Office to the principal Police Officers of the said Towns, to whom the same shall be directed, to be by them fixed up where they may be seen and read in the most frequented Parts of such Places, which Notices shall not be charged with any Duty for Stamps or Postage.

Commis-
 sioners to
 sign all
 Licences.
 48 G. 3.
 c. 140. s. 62.

XXVII. The Commissioners or their Officer authorized in that 35 Behalf shall have and enjoy the same Power and Authority to grant, issue, and sign Licences and Certificates in every Case whatsoever as fully as the Divisional Justices of the Castle Division of the said District heretofore had under certain Acts of Parliament passed in the following Years of the Reign of His Majesty King George the 40 Third, that is to say, in the Thirty-fifth Year, Chapter Thirty-six; in the Thirty-sixth Year, Chapter Thirty; in the Thirty-ninth Year, Chapter

Chapter Fifty-six; in the Fortieth Year, Chapter Sixty-two; in the Forty-fourth Year, Chapter Twenty-two (Local); in the Forty-eighth Year, Chapter One hundred and forty; and in the Sixth and Seventh Years of the Reign of His late Majesty King William the Fourth,
 5 Chapter Twenty-nine, or any of them, or under any other Law or Authority whatsoever now in force; and such Certificates and Licences shall respectively be subject to all such Fines, Duties, Taxes, and Payments as Certificates and Licences for the like Purposes are now subject to; and all the said Fines, Duties, Taxes, and Payments
 10 shall be paid and payable from and after the *passing of this Act* in British Currency, anything in any Act of Parliament contained to the contrary notwithstanding, and shall be applied to the Purposes of this Act; and the said Commissioners shall insert in such Certificates and Licences the Place of Abode and particular Description of every
 15 Person to whom such Certificates and Licences shall be granted, and shall number each Certificate and Licence, and keep or cause to be kept particular Entries of such Descriptions, Certificates, and Licences.

Commissioners,
 &c.

XXVIII. No Person shall hawk about Trees, Shrubs, or Plants
 20 for Sale within the said District, or sell or expose to Sale at any Place within the same, not being a Part of his Dwelling House, any Book, Map, Pamphlet, Chart, or Drawing, or sell or expose to Sale within the said District old Clothes in any Stall, Stand, Shed, Booth, Shop, or other Place, or exercise the Trade of a Pawnbroker within
 25 the said Police District, unless he shall have a Licence for that Purpose under the Provisions of this Act.

Licences.

No Person to hawk about Trees, Books, &c. without Licence.
 48 G. 3.
 c. 140. s. 65.

XXIX. If any Person shall exercise the Trade of a Pawnbroker within the said Police District without such Licence as aforesaid, every such Person upon being convicted thereof shall forfeit the Sum
 30 of *Fifty Pounds*.

Penalty on Pawnbroker trading without Licence.
 48 G. 3.
 c. 140. s. 69.

XXX. If any Person shall hawk, sell, or expose to Sale within the Limits aforesaid respectively any of the Goods for which he is required to take out a Licence as aforesaid, and for which he shall not have his Licence as aforesaid ready to produce, or shall not upon
 35 Demand of any Justice or of any Constable produce such Licence, it shall be lawful for such Justice or Constable to seize and distrain such Goods, and every such Person shall for every such Offence forfeit a Sum not exceeding *Five Pounds*.

Penalties on Persons requiring such Licence, and not having or producing same.
 48 G. 3.
 c. 140. s. 68.

XXXI. Every Person, before he shall hawk, sell, or expose to Sale
 40 any of the Goods herein before mentioned within the said Limits, shall deliver to the Commissioners a Note in Writing of what Goods he
 [107.] B intends

Person requiring Licence to give in his Name, &c.
 48 G. 3.
 c. 140. s. 66.

Licences.

intends to hawk, sell, or expose to Sale; and before any Person shall exercise the Business of a Pawnbroker within the said Limits, he shall deliver to the Commissioners a Note in Writing of his Place of Abode, and of the Place where he intends to carry on the Business of a Pawnbroker; and thereupon a Licence shall be granted by the 5 Commissioners unto him for his hawking, selling, or exposing to Sale such Goods, or for exercising the Business of a Pawnbroker (as the Case may be), for which he shall previous to the issuing thereof pay or cause to be paid to the proper Officer the respective Duties made payable in and by the Act of the Forty-fourth Year of the Reign of 10 His late Majesty King George the Third, Chapter Twenty-two (Local and Personal), or any other Act, or which shall hereafter be payable for the same, and which shall be applicable to the Purposes of this Act; which Licences shall be in force until the next after the same shall be granted.

15

Penalty
on forging
Licences.
48 G. 3.
c. 140. s. 75.

XXXII. If any Person shall forge or cause or procure to be forged any Licence of the Commissioners, or shall sell or expose to Sale any Goods before mentioned with any such forged Licence, knowing the same to be forged, every such Person on being convicted thereof shall forfeit a Sum not exceeding *Fifty Pounds*; and for Want of sufficient 20 Goods to satisfy the said Penalty such Offender shall be committed to the Common Gaol, for any Time not exceeding *Six Months*, at the Discretion of the Justice before whom such Offender shall be so convicted.

Penalty on
Vintners not
producing
Licence on
Demand.
48 G. 3.
c. 140. s. 72.

XXXIII. It shall be lawful for the Commissioners, Divisional 25 Justices, or any Superintendent, Inspector, or Sergeant belonging to the Police Force, at any Time to demand from any Person selling Wine, Ale, Porter, or Spirituous Liquors his Licence, and every such Person shall upon such Demand produce his Licence, and if he shall not produce the same he shall on Conviction thereof forfeit a Sum 30 not exceeding *Five Pounds*, and in default of paying such Fine shall be committed to the Common Gaol for any Time not exceeding *One Month*, at the Discretion of the Justice before whom such Conviction shall take place.

Receiver.

Treasury
may appoint
Receiver of
Monies
applicable to
Purposes of
Act, who
shall give
Security.
6 & 7 W. 4.
c. 29. s. 10.

XXXIV. It shall be lawful for the Treasury, upon any Vacancy in 35 the Office of Receiver to the said Police Force by Death, Removal, or otherwise, to appoint another Person to be such Receiver, and to revoke any such Appointment or remove any such Receiver if the Treasury shall see Occasion so to do; and it shall be lawful for the Treasury to allow to the Receiver now holding Office or hereafter to 40 be appointed such yearly Salary, payable quarterly out of the Funds to be by him received, as they may think proper, not exceeding *Five hundred*

hundred Pounds; and the Receiver for the Time being shall give Security to Her Majesty, in a Bond with Two Sureties, in such Sum as the Treasury shall direct, such Bond to be conditioned for the faithful Performance of his Duty by such Receiver, and for the due
 5 Application of all Monies paid to him under this Act; and in case of the Sickness or necessary Absence of such Receiver, it shall be lawful for the Receiver, with the Approbation of the Treasury, to appoint some other Person to act in his Place.

Receiver.

In case of Sickness, &c. Receiver may appoint a Deputy. See Dublin Rates Act, 12 & 13 Vict. c. 91. s. 2.

XXXV. The Receiver shall receive all Sums of Money applicable
 10 to the Purposes of this Act, and shall keep an exact Account thereof, and shall immediately pay all Monies, Bills, and Notes by him received under this Act into the Hands of the Governor and Company of the Bank of Ireland; and the same shall be placed to an Account in the Books of the said Governor and Company, which shall be intituled
 15 "The Account of the Public Monies of the Receiver for the Metropolitan Police District," inserting the Name of the Receiver for the Time being; and the said Receiver shall draw out of the Bank from Time to Time such Sums of Money as may be necessary for the Payment of all Charges and Expenses in carrying this Act into execu-
 20 tion; and the said Receiver shall be governed in respect of his pecuniary Transactions, whether of Receipt or Payment, and in respect of the Periods in and for which he shall deliver his Accounts, accompanied by the proper Vouchers, and as to the Manner in which such Accounts shall be kept, and prepared and exhibited for Audit, by such
 25 Rules and Regulations as shall be issued in that respect from Time to Time by the Treasury; and every Draft or Order for Money on the Bank of Ireland drawn by the Receiver shall be countersigned by One of the Commissioners, and all Drafts and Orders so drawn and countersigned, but not otherwise, shall be a sufficient Authority to the
 30 Bank to pay the same.

Duties of Receiver, Accounts, &c.

Money to be placed in Bank of Ireland, and drawn out by Receiver

Receiver's Drafts to be countersigned.

XXXVI. All Duties to be levied under this Act shall be paid to the Receiver by the Persons who shall be duly appointed to receive the same, at such Times in every Year as shall be fixed and appointed by the Commissioners, and shall be by him placed to the same Account
 35 and applied to the like Purposes as the other Public Monies of the said Police District; and the Receiver shall keep separate and distinct Accounts of the Duties applicable to the Purposes of this Act.

Duties levied under Act to be paid to Receiver. 48G. 3. c. 140. ss. 28, 29. 62. 6 & 7 W. 4. c. 29. s. 30.

XXXVII. The Receiver shall account for the due Application of all Monies drawn by him out of the Bank of Ireland, and shall once
 40 in every Six Months, and oftener if required by the Commissioners of the Treasury, or by the Chief or Under Secretary, make out and sign a full and particular Account of all Monies which shall have been

Receiver's Accounts to be audited. 6 & 7 W. 4. c. 29. s. 11.

Receiver.

received by him under this Act, and how much thereof hath been paid by him, and for what Purposes, together with proper Vouchers for the Receipts and Payments; and such Account shall be delivered, for the Purpose of being examined and audited, either to the Commissioners for auditing the Public Accounts, or to such other Person or Persons 5 as the Treasury shall from Time to Time direct; and the Receiver shall be subject to the same Regulations and Penalties in that respect as any Public Accountant.

Accounts to be laid before Parliament annually.
6 & 7 W. 4.
c. 29. s. 33.

XXXVIII. An Account of all Monies received and expended for the Purposes of this Act, made up to the *Thirty-first Day of December* 10 in each Year, shall annually be laid before both Houses of Parliament within *Thirty* Days thereafter if Parliament be then sitting, or within *Thirty* Days after the First Meeting of Parliament subsequent to the *Thirty-first of December*; and such Accounts shall specify the total Sum received for every Tax, Rate, Rent, Duty, or other Charge for 15 the Purposes of this Act; and such Accounts shall also specify the different Heads of Expenditure for the Purposes of the Police, and the Amount actually expended under each.

Receiver to pay Salaries and Wages of Police under Direction of Chief or Under Secretary.
6 & 7 W. 4.
c. 29. s. 12.;
as also Rewards for Activity and Superannuation Allowances.

XXXIX. The Receiver, out of the Monies so received by him, shall from Time to Time pay to the Persons belonging to the Police 20 Force appointed under this Act such Salaries, Wages, and Allowances, and at such Periods, as the said Chief or Under Secretary shall direct, and also any extraordinary Expenses which they shall appear to have necessarily incurred in apprehending Offenders and executing the Orders of the Commissioners, such Expenses being first examined and 25 approved of by the Commissioners; and the Receiver shall likewise pay any further Sums which such Chief or Under Secretary, with the Sanction of the Treasury, shall direct to be paid to any of the Persons belonging to the said Police Force, as a Reward for extraordinary Diligence or Exertion, or as a Compensation for Wounds or 30 severe Injuries received in the Performance of their Duty, or as an Allowance to such of them as shall be disabled by bodily Injury received, or shall be worn out by Length of Service, and he shall also pay all other Salaries, Charges, and Expenses which such Chief or Under Secretary shall direct to be paid for carrying this Act into 35 execution.

Receiver shall contract for any Land or Buildings required.
6 & 7 W. 4.
c. 29. s. 16.

XL. The Receiver shall, under the Direction of the Chief or Under Secretary, make all such Contracts and Disbursements as shall be necessary for purchasing or renting any Land or Buildings, or for erecting, fitting up, furnishing, or repairing any Buildings for the 40 Purposes of this Act, subject nevertheless to such Regulations as the Treasury shall from Time to Time think fit to establish; and all Lands

Lands and Buildings so to be purchased or rented, and the Fixtures and Furniture thereof, and all Buildings, Station Houses, Arms, Accoutrements, Goods, and Chattels held or purchased for the Purposes of this Act shall be vested in the Receiver for the Time being, and his Successors in Office; and the Receiver may, by the Directions of such Chief or Under Secretary, sell, assign, or dispose of the whole or any Part of any such Property as aforesaid, and shall execute all such lawful Matters for carrying this Act into execution as such Chief or Under Secretary shall from Time to Time direct.

Receiver.
Property to be vested in him.

- 10 XLI. It shall be lawful for the Receiver for the Time being to purchase or lease any Lands or Buildings which may be required for the Purposes of this Act, and any Lands or Buildings so purchased or leased shall vest in the Receiver for the Time being and his Successors in Office in trust for the Purposes of this Act, and the Lands Clauses Consolidation Act, 1845, except the Provisions for affording Access to the Special Act, shall be incorporated with and form Part of this Act.

Receiver may purchase Lands.

- XLII. When any Goods or Money charged to be stolen or unlawfully obtained, and of which the Owner shall be unknown, shall be ordered by any Divisional Justice to be delivered to the Receiver of the Police District, it shall be lawful for the Receiver after the Expiration of *Twelve* Calendar Months, during which no Owner shall have appeared to claim the same, to sell or dispose of such Goods or Money for the Benefit of the Police Fund of the said District.

Receiver may sell unclaimed stolen Goods after Twelve Months.
5 Vict. c. 24. s. 58.

- XLIII. Upon the Death, Resignation, or Removal of any Receiver appointed under this Act, the Balance of Cash for which he shall at the Time have Credit on his Account as Receiver with the Governor and Company of the Bank of Ireland shall, as soon as a Successor shall be appointed to the Office of Receiver, actually vest in such Successor, and shall be immediately transferred to the Account of such Successor, to be applied for the Purposes of this Act; and the Receiver for the Time being is hereby required to issue his Drafts or Orders, countersigned as aforesaid, for all unsatisfied Charges and Demands payable out of the Moneys in the Bank, although the same shall have accrued in the Time of any former Receiver.

Upon Death or Removal of Receiver, Balance in Bank transferred to Successor.
6 & 7 W. 4. c. 29. s. 13.

- XLIV. If any Person having resigned or having been removed from the Office of Receiver shall neglect, within *Twenty-one* Days after Notice for such Purpose, to account for and pay to any succeeding Receiver all such Sums of Money as shall remain in his Hands applicable to the Purposes of this Act, it shall be lawful for the Receiver for the Time being, in his own proper Name only, or by his Name and

Upon Removal of Receiver, Successor may sue for Balance in hand.
6 & 7 W. 4. c. 29. s. 14.

Receiver.
Mode of
proceeding.

Description of Office, to sue for and recover the same from such Person, with Double Costs of Suit, in any of Her Majesty's Courts of Record at Dublin, in which Action it shall be sufficient for such Receiver to sue as for Money had and received to the Use of such Receiver for the Purposes of this Act.

5

Special Bail.

Court may
refer Ac-
counts to
Officer or
Arbitrator

XLV. The Defendant in such Action may, at the Discretion of any Judge of such Court, be held to Special Bail in such competent Sum as the Judge shall order; and the Court in which the Action shall be brought may, at the Instance of either of the Parties, refer the Account in dispute in a summary Manner to be audited by any Officer of the Court or other fit Person, who may examine both Plaintiff and Defendant upon Oath (which Oath the Referee shall have Power to administer); and upon the Report of such Referee, unless either of the Parties shall show good Cause to the contrary, the Court may make a Rule either for the Payment of such Sum as upon the Report shall appear to be due, or for staying the Proceedings in the Action, and upon such Terms and Conditions as to the Court shall appear reasonable; or the Court may order Judgment to be entered up by Confession for such Sum as upon the Report shall appear to be due.

20

Mode of
proceeding
against
Represent-
atives of
deceased
Receiver.
6 & 7 W. 4.
c. 29. s. 15.

XLVI. In case of the Death of any Person during the Time that he shall be holding the Office of Receiver, or after he shall have resigned or been removed from such Office, the Receiver for the Time being may, in his own proper Name only, or by his Name and Description of Office, sue for and recover from the Executors or Administrators of such Person deceased all such Sums of Money as shall have been remaining in his Hands applicable to the Purposes of this Act in any of Her Majesty's Courts of Record at Dublin; in which Action it shall be sufficient for the Plaintiff to allege that the Deceased was indebted to the Plaintiff for Money had and received to his Use for the Purposes of this Act, or that the Deceased died possessed of Money had and received for the Purposes of this Act, whereby an Action hath accrued to the Plaintiff to demand and have the same from such Executors or Administrators; and the like Action may be brought against any Executors or Administrators of Executors or Administrators; and in all such Actions the Defendants may plead in like Manner and avail themselves of the like Matters in Defence as in any Action founded upon simple Contracts of the original Testator or Intestate; and the Court may refer the Account in Dispute to be audited by any Officer or Person, and may proceed upon the Report of such Referee in like Manner as is herein-before mentioned.

Police Force.

Police Force
for whole

XLVII. The Men heretofore appointed and now acting as a Police Force for the whole of the District shall continue so to act, and shall have,

have, not only within the said District, but also within the Counties of Dublin, Wicklow, Kildare, and Meath, and within all Liberties therein, all such Powers and Privileges, and shall be bound to perform all such Duties, as any Constable duly appointed now has or hereafter
 5 may have within his Constablewick by virtue of the Common Law of this Realm, or of any Statutes made or to be made, and to obey all such lawful Commands as they may from Time to Time receive from any of the Commissioners for conducting themselves in the Execution of their Office; and all the Men hereafter to be appointed to
 10 the said Police Force shall, within the said District and Counties, in like Manner be bound to perform all such Duties, and shall be sworn in to perform the same, and shall have and enjoy all the Powers and Privileges aforesaid.

Police Force.
 District appointed, &c.
 6 & 7 W. 4.
 c. 29. s. 4.

XLVIII. All Constables appointed under this Act shall to all
 15 Intents and Purposes have and exercise the several Powers and Privileges respectively vested in Constables by any Statute or Law now in force, except where the contrary is directed by this Act, or where the same would be repugnant to or inconsistent with any Provision herein contained.

Constables, &c. under Act invested with same Powers as similar Officers.
 6 & 7 W. 4.
 s. 36.

XLIX. Every Constable hereafter to be appointed under this Act shall, before he shall do any Act in his said Office, take and subscribe the Oath following; (that is to say,)

Form of Oath to be taken by all Constables under Act.
 6 & 7 W. 4.
 c. 29. s. 44.

‘ I A.B. do swear, That I will well and truly serve our Sovereign
 ‘ Lady the Queen in the Office of Constable, without Favour or
 25 ‘ Affection, Malice or Illwill; that I will see and cause Her Majesty’s
 ‘ Peace to be kept and preserved, and I will prevent, to the best of my
 ‘ Power, all Offences against the same; that while I shall continue to
 ‘ hold the said Office I will, to the best of my Skill and Knowledge,
 ‘ discharge all the Duties thereof faithfully according to Law; and
 30 ‘ that I do not now belong to and that while I shall hold the said
 ‘ Office I will not join or belong to any political Society whatsoever,
 ‘ or any secret Society whatsoever unless the Society of Freemasons.”

And the said Oath shall be administered to all Constables hereafter to be appointed by the said Commissioners, and shall in all Cases be
 35 subscribed by the Person taking the same.

L. Any of the Superintendents or Inspectors who shall be selected by the Commissioners shall be ex-officio Inspectors of Weights and Measures within the said District, and shall possess and exercise all the Powers and be subject to the like Penalties for any Neglects or
 40 Offences in the Discharge of such Duties which any Inspector of Weights and Measures may possess or exercise or be liable to by
 [107.] B 4 virtue

Superintendents, &c. shall be Inspectors of Weights and Measures.
 Summary Jurisdiction Act,
 14 & 15 Vict.
 c. 92. s. 18.

Dublin Improvement Act, 12 & 13 Vict. c. 97. ss. 82, 83, 84, & 85., as also Schedules to that Act.

May provide Sub-Standard Weights and Measures.

Punishment for improper Use of Copies and for false Weights and Measures.

No Constable to be a menial Servant, &c. 6 & 7 W. 4. s. 22.

Police Vans, &c. exempted from Turnpike Tolls. 5 Vict. c. 24. s. 2.

virtue of an Act passed in Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Sixty-three, and shall perform such Duties, under the Directions of the Commissioners, without Fee or Reward, and notwithstanding any Manorial Jurisdiction or Claim of Jurisdiction within the said District. 5

L.I. It shall be lawful for the Commissioners, with the Assent of the Chief or Under Secretary, from Time to Time to procure as many Copies, in Iron or other proper Material of the Imperial Weights and Measures now in the Custody of the Lord Mayor of Dublin, as they shall see fit, and to direct that the same shall be 10 duly compared and stamped; and the said Copies shall be called the Dublin Police Sub-Standard Weights and Measures, and shall be deposited with the said Superintendents or Inspectors, so as to enable them the more easily to discharge the Duties of Inspectors of Weights and Measures, and shall, at least once in every Year, and 15 also at any other Times when required by the Commissioners, be compared with and corrected by the said Imperial Standard Weights and Measures by the said Superintendents or Inspectors so to be appointed as aforesaid, who shall adjust the same, and also affix the proper Stamp thereto; and such Copies so adjusted and stamped 20 shall, until the next Comparison of the same to be made in manner aforesaid, be considered to all Intents the same as the said Standard Weights and Measures for all Purposes of Comparison and Verification, and for all other Purposes for which such Standard Weights and Measures are required under the Provisions of the said recited Act, 25 by any Inspector of Weights and Measures.

L.II. Any Person who shall use the said Copies for any Purpose other than those hereby authorized shall be liable to a Fine not exceeding *Five Pounds* for every such Offence; and any Person who shall use any Weight or Measure, other than those authorized by the 30 said recited Act, for the Sale of any Article, shall on Conviction thereof be liable to a Fine not exceeding *Five Pounds*, and every such light or unjust Weight or Measure so used shall, on being discovered by any such Superintendent or Inspector as aforesaid, be seized by him, and upon the Conviction of the Person so using or 35 possessing the same shall be forfeited, and forthwith destroyed.

L.III. No Person appointed a Constable shall be or act as a domestic or menial Servant to any Person whatsoever.

L.IV. No Toll shall be demanded or taken on any Turnpike Road or Bridge for any Horse or Police Van passing along such Road 40 or Bridge in the Service of the Dublin Police, provided that the Rider of

of such Horse or Driver of such Van shall have his Dress and Accoutrements according to the Regulations of the Police at the Time of claiming the Exemption; and every Person who shall fraudulently claim or take the Benefit of the Exemption from Toll herein
5 contained, not being lawfully entitled thereunto, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*; and in all such Cases the Proof of Exemption shall be upon the Person claiming the same.

Police Force.

LV. If any Victualler or Keeper of any House, Shop, Room, or
10 other Place for the Sale of any Liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any Man belonging to the said Police Force, or permit such Man to abide or remain in his House, Shop, Room, or other Place during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper as
15 aforesaid, being convicted thereof before any Justice of the Peace, shall for every such Offence forfeit and pay such Sum, not exceeding *Five Pounds*.

Penalty on Publicans harbouring Constables during Hours of Duty.
6 & 7 W. 4. s. 6.

LVI. Every Constable who shall be dismissed from or shall cease to hold and exercise his Office, and who shall not forthwith deliver
20 over all the Clothing, Accoutrements, Appointments, and other Necessaries which may have been supplied to him for the Execution of his Duty, to the Commissioners of Police, or to such Person and at such Time and Place as shall be directed by them, shall be liable to Imprisonment with or without Hard Labour for any Time not
25 exceeding *One Calendar Month*; and it shall be lawful for the Commissioners or any Divisional Justice to issue his Warrant to apprehend every such dismissed Constable, and to search for and seize to the Use of Her Majesty all the Clothing, Accoutrements, Appointments, and other Necessaries which shall not be so delivered over
30 wherever the same may be found.

Constables dismissed to deliver up Accoutrements.
5 Vict. c. 24. s. 3.

LVII. If any Pawnbroker within the said District, or Person acting for him in his Trade or Business, or any other Person, shall knowingly buy, receive, or take into Pawn the Clothing, Accoutrements, or Appointments supplied to any such Constable, or any Part thereof,
35 every such Pawnbroker or other Person shall be liable for every such Offence to a Penalty not exceeding *Five Pounds*, and shall, upon Demand made by any Superintendent, Inspector, or Sergeant of the said Police Force, forthwith restore to him the Article or Articles so taken into Pawn without Payment of any Sum or Sums of Money
40 which may have been lent thereupon, or any Interest therefor.

Penalty on Pawnbroker or other Person wilfully taking such Clothing, &c. into Pawn.

Police Force.
Penalty for
unlawful
Possession
of Accoutre-
ments, or
assuming
Dress of
Constables.
5 Vict. c. 24.
s. 4.

LVIII. Every Person, not being a Constable of the Dublin Police, who shall have in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who shall not be able satisfactorily to account for his Possession thereof, or who shall put on the Dress or take the Name, Designation, 5 or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other 10 Punishment to which he may be liable for such Offence, be liable to a Penalty not more than *Ten Pounds*.

Removing
Furniture to
evade Rent.
5 Vict. c. 24.
s. 30.

LIX. It shall be lawful for any Constable to stop and detain, until due Inquiry can be made, all Persons, Carts, and Carriages employed in removing the Furniture of any House or Lodging between the 15 Hours of *Eight* in the Evening and *Six* in the following Morning, or whenever the Constable shall have good Grounds for believing that such Removal is made for the Purpose of evading the Payment of Rent.

Power to
arrest Per-
sons carry-
ing stolen
Goods.
48 G. 3. s. 45.

LX. It shall be lawful for any Divisional Justice or Constable to 20 apprehend any Person carrying or conveying any Goods within the Police District, in case it shall appear to such Justice or Constable that there is probable Cause to suspect that such Goods have been stolen or feloniously taken and carried away; and thereupon the said Person so taken, together with such Goods, shall as soon as con- 25 venient be conveyed to the Police Court of the Division in which the same shall have been so taken, to be dealt with according to Law; and in all Cases of Felony, Misdemeanor, or other Criminal Offences arising or committed within the said District, the Persons apprehended shall be brought as immediately as convenient before a Justice of the 30 Division in which such Felony or other Offence shall have been originally committed, to be so dealt with.

Constables
to search for
concealed
Arms.
48 G. 3. s. 52.

LXI. It shall be lawful for the said Constables, or any of them, being thereto duly authorized by the Warrant of any of the Commis- 35 sioners or Divisional Justices, to search all suspected Places in such Warrant mentioned for concealed Arms; and if such Constables shall thereupon find any Gun, Pistol, Sword, Blunderbuss, Pike, Dagger, or Hanger, or other Arms in the Possession of any Person not qualified by Law to bear or carry Arms, they are hereby required and authorized to seize and carry the same to the Police Court of the 40 Division in which such Arms shall be so found, and the Justices of such Division are required to send such Arms so seized to Her
Majesty's

Majesty's Arsenal, to be applied to the Use of Her Majesty; and the Person in whose Possession the said Arms shall be so found shall, if required by the Justices, find Sureties for his good Behaviour for any Period not exceeding *Two Years*, or shall be committed to Prison until he shall give such Security: Provided always, that no such Warrant shall be granted except on the Information, upon the Oath of One or more credible Witnesses, that to the best of their Knowledge and Belief such unqualified Person is in possession of Arms as aforesaid.

Police Forcc.

10 LXII. It shall be lawful for the said Constables, or any of them, being duly authorized thereto by the Warrant of the Commissioners or Divisional Justices, which Warrant any such Commissioner or Justice, on Information on Oath to him given, is hereby authorized to grant, to break open any Dwelling House, Outhouse, Shop, Warehouse, Cellar, or other Place named in such Warrant, as shall not be opened on Demand, after due Notice of such Warrant, in order to search for Traitors or Felons, or Accessories to any Traitors or Felons, or Receivers of stolen Goods, or to search for any Goods or other Things stolen or feloniously taken or carried away.

Constables to break open Houses to search for Traitors, Felons, &c. 48 G. 3. s. 46.

20 LXIII. Every Distress or Levy Warrant, or Search Warrant, or Warrant to compel the Appearance of any Person, or Warrant for the Apprehension of any Person charged with any Offence, issued by any of the Commissioners or Justices, in respect of any Matter arising within the Police District, or within the Counties of Dublin, Wicklow, Kildare, or Meath, or within any other Place to which the Jurisdiction of the said Commissioners or Justices shall extend, may be served or executed out of the said District by any Constable belonging to the Dublin Police or other Peace Officer to whom the same shall be directed, and shall have the same Force and Effect as if the same had been originally issued or subsequently endorsed by a Justice or Justices of the Peace having Jurisdiction in the Place where the same shall be served or executed; and all Gaolers and Keepers of Prisons are hereby authorized and directed to receive into their Custody such Person, when apprehended or in Custody under or by virtue of such Warrant, and him in safe Custody to keep until transmitted to the said Metropolitan Police District, any Law or Usage to the contrary notwithstanding; and any Person obstructing or hindering such Constables or other Peace Officers in the Execution of any such Warrant shall be liable to the same Pains or Penalties for such Obstruction and Hindrance as if such Offence had been committed within the said Metropolitan Police District.

Warrant, &c. may be executed out of District by any Constable. 5 Vict. c. 24. s. 48.

48 G. 3. s. 31.

Police Force.
Police to
have Power
of Constables
upon the
Liffey, &c. ;
and may take
any Person
who, to pre-
vent Disco-
very, shall
wilfully let
fall any
Articles into
the River &c.
5 Vict. c. 24.
s. 19.

LXIV. Every Officer and Constable belonging to the Dublin Police shall have all the Powers and Privileges of a Constable upon the River Liffey within or adjoining to the said District, or the several Counties of Dublin, Kildare, and Wicklow, and in and on the Harbour of Dublin and Harbour of Kingstown, and the Docks or Creeks 5 adjacent thereto, or within *Ten* Miles thereof; and it shall be lawful for any such Constable to take into Custody every Person who for the Purpose of preventing the Seizure or Discovery of any Materials, Furniture, Stores, or Merchandise belonging to or having been Part of the Cargo of any Ship, Boat, or Vessel lying in the River Liffey, 10 Harbour of Dublin, or Harbour of Kingstown, or the Docks or Creeks adjacent thereto, or within *Ten* Miles thereof respectively, or of any other Articles unlawfully obtained from any such Ship, Boat, or Vessel, shall wilfully let fall or throw into the said River, or any of the said Docks or Creeks, or in any other Manner convey away from 15 any Ship, Boat, or Vessel, Wharf, Quay, or Landing Place, any such Article, or who shall be accessory to any such Offence, and also to seize and detain any Boat in which such Person shall be found, or out of which any Article shall be so let fall, thrown, or conveyed away; and every such Person shall be deemed guilty of a Misdemeanor. 20

Superinten-
dents and
Inspectors
may board
Vessels.
5 Vict. c. 24.
s. 23.

LXV. Any Superintendent or Inspector shall have Power by virtue of his Office to enter at all Times, with such Constables as he shall think necessary, as well by Night as by Day, into and upon every Ship, Boat, or other Vessel (not being then actually employed in Her Majesty's Service) lying in the said River or any of the said 25 Harbours, Docks, and Creeks, and into every Part of every such Vessel for the Purpose of inspecting and upon Occasion directing the Conduct of any Constable who may be stationed on board of any such Vessel, and of inspecting and observing the Conduct of all other Persons who shall be employed on board of any such Vessel 30 in or about the lading or unlading thereof, as the Case may be; and for the Purpose of taking all such Measures as may be necessary for providing against Fire and other Accidents, and preserving Peace and good Order on board of any such Vessel, and for the more effectual Prevention of the Existence of any Common Nuisance 35 dangerous or prejudicial to Health, every such Superintendent or Inspector, with such Constables as aforesaid, shall have full Power and Authority to enter every such Ship, Boat, or other Vessel in order to enforce and carry into effect against the Owner, Master, or other Person having the Charge of any such Vessel as aforesaid 40 the Provisions respecting Common Nuisances herein-after contained touching such Matters and Things.

LXVI. It

LXVI. It shall be lawful for every Superintendent, Inspector, or Sergeant, having just Cause to suspect that any Felony has been or is about to be committed in or on board of any Ship, Boat, or other Vessel lying in the said River, or any of the said Harbours, Docks, and Creeks, to enter at all Times, as well by Night as by Day, into and upon every such Ship, Boat, or other Vessel, and therein to take all necessary Measures for the effectual Prevention or Detection of all Felonies or Misdemeanors, which he has just Cause to suspect to have been or to be about to be committed in or upon the said River or Harbours, Docks or Creeks, and to take into Custody all Persons suspected of being concerned in such Felonies or Misdemeanors, and also to take charge of all Property so suspected to be stolen.

Police Force.
Superintendent, &c. having just Cause to suspect Felony, may enter on board Vessels, &c. to take up suspected Persons.
5 Vict. c. 24. s. 24.

LXVII. Any Person found committing any Offence punishable either upon Indictment or as a Misdemeanor upon summary Conviction, by virtue of this or any other Act, may be taken into Custody without a Warrant by any Constable or may be apprehended by the Owner of the Property on or with respect to which the Offence was committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Constable to be dealt with according to Law; and every Constable may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be Reason to suspect that anything stolen or unlawfully obtained may be found, and also any Person who may be reasonably suspected of having or conveying in any Manner anything stolen or unlawfully obtained; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed with respect to such Property, or that the same or any Part thereof has been stolen or otherwise unlawfully obtained, is hereby authorized, and, if in his Power, is required to apprehend and detain, and as soon as may be to deliver such Offender into the Custody of a Constable, together with such Property, to be dealt with according to Law.

Power to Police Constables and Persons aggrieved to apprehend certain Offenders, &c.
5 Vict. c. 24. s. 29.

LXVIII. It shall be lawful for any Constable, and for all Persons whom he shall call to his Assistance, to take into Custody without a Warrant any Persons who within View of any such Constable shall offend in any Manner against this Act, and whose Name and Residence shall be unknown and cannot be ascertained by such Constable.

Constables may apprehend Offender whose Name and Residence are not known.
5 Vict. c. 24. s. 26.

LXIX. It shall be lawful for any Constable to take into Custody without a Warrant all reputed Thieves, Nightwalkers, and all other loose, idle, and disorderly Persons whom he shall find disturbing the public

Constables may apprehend Thieves, &c. without

*Police Force.*Warrant in
certain
Cases.5 Vict. c. 24.
s. 27.Persons
charged
with recent
Assaults may
be appre-
hended with-
out War-
rants.5 Vict. c. 24.
s. 28.

public Peace, or whom he shall have good Cause to suspect of having committed or being about to commit any Felony or Misdemeanor, or Breach of the Peace.

LXX. It shall be lawful for any Constable to take into Custody without Warrant any Person who within the Limits of the Police District shall be charged by any other Person with committing any Assault, in every Case in which such Constable shall have good Reason to believe that such Assault has been committed, although not within View of such Constable, and that by reason of the recent Commission of the Offence a Warrant could not have been obtained for the Apprehension of the Offender.

Persons ap-
prehended
without War-
rant to be
taken to the
Station
House.5 Vict. c. 24.
s. 32.

LXXI. Every Person taken into Custody by any Constable without Warrant, except Persons detained for the mere Purpose of ascertaining their Name or Residence, shall be forthwith delivered into the Custody of the Constable in charge of the nearest Station House, in order that such Person may be secured until he can be brought before a Divisional Justice to be dealt with according to Law, or may give Bail for his Appearance before a Divisional Justice, if the Constable in charge shall deem it prudent to take Bail, in the Manner herein-after mentioned.

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Power to
bind over
Persons
making
Charges.
5 Vict. c. 24.
s. 34.

LXXII. Whenever any Person charged with any Felony, or any Misdemeanor punishable by Transportation, or other grave Misdemeanor, shall be without Warrant in the Custody of any Inspector at any Station House during the Time when the Police Courts shall be shut, it shall be lawful for the Inspector in charge of the Station House to require the Persons making such Charge to enter into a Recognizance conditioned as herein-after mentioned, and upon his or her Refusal so to do it shall be lawful for such Inspector, if he shall deem it prudent, to discharge from Custody the Person so charged, upon his or her Recognizance, with or without Sureties conditioned as herein-after mentioned.

Inspector
may take
Bail for
Appearance
of Parties
before a
Justice, &c.
6 & 7 W. 4.
c. 29. s. 8.

LXXIII. Where any Person charged with any petty Misdemeanor, or with any Offence of which he is liable to be summarily convicted before a Magistrate, shall be brought, without the Warrant of a Justice into the Custody of any Inspector during the Time when the Police Courts shall be closed, or in the Night-time at any Station House, it shall be lawful for such Inspector, if he shall deem it prudent, to take Bail by Recognizance, with or without Sureties, without any Fee or Reward from such Person, conditioned that such Person shall appear for Examination before a Justice at some Place to be specified in the Recognizance, at the Hour of *Nine* of the Clock in the Forenoon of the

the

the Day next after such Recognizance shall be taken, unless that Day shall fall on a Sunday, or on Christmas Day or Good Friday, and in that Case at the like Hour on the succeeding Day. *Police Force.*

LXXIV. Every Recognizance taken by any such Inspector as aforesaid shall be of equal Obligation on the Parties entering into the same, and liable to the same Proceedings for the estreating thereof, or otherwise dealing therewith, as if the same had been taken before a Justice; and the Inspector shall enter in a Book to be kept for that Purpose in every Station House the Names, Residence, and Occupation of the Party, and his Surety or Sureties, if any, entering into such Recognizance, together with the Condition thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the Time and Place when and where the Party is required to appear. Nature and Form of Recognizance of Bail.

LXXV. If the Party does not appear at the Time and Place required, any Constable of the said Police Force may, without Warrant, arrest any such principal Party wherever he can be found, and with as little Delay as may be convenient bring him before such Justice; or any other of the said Divisional Justices, to be dealt with according to Law. Parties making default may be arrested.

LXXVI. If the Party not appearing shall apply by any Person on his Behalf to postpone the Hearing of the Charge against him, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the Recognizance to such further Time as he shall appoint; and when the Matter shall be heard and determined, either by the Dismissal of the Complaint or by binding the Party over to answer the Matter thereof at the Sessions or otherwise, the Recognizance for the Appearance of the Party before a Justice shall be discharged without Fee or Reward. Enlarging Recognizance.

LXXVII. Whenever any Person having Charge of any Horse, Cart, Carriage, or Boat, or any other Animal or Thing, shall be taken into the Custody of any Constable under the Provisions of this Act, it shall be lawful for such Constable to take charge of such Horse, Cart, Carriage, or Boat, or such other Animal or Thing, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Penalty to which the Person having had Charge thereof may become liable, and for Payment of any Expenses which may have been necessarily incurred for taking charge of and keeping the same. Horses, Carriages, &c. of Offenders may be detained. 5 Vict. c. 24. s. 31.

LXXVIII. It shall be lawful for the Lord Lieutenant to establish in the Divisions of the said District such Number of Police Courts as *Police Courts.*
Lord Lieutenant empowered to

Police Courts.
 establish
 Police Courts
 within
 District.
 3 & 4 Vict.
 c. 103. s. 1.

shall to the said Lord Lieutenant appear necessary, and from Time to Time to alter the Number of such Police Courts, and to discontinue or alter the Situation of the same, as Occasion may require; and it shall be lawful for such Lord Lieutenant to direct the regular daily Attendance at such Police Courts of the Justices of the Division, or any of them, or of any of the other Justices heretofore appointed or hereafter to be appointed, and to make from Time to Time such Regulations in respect of the Attendance thereat of any of such Justices, and of any other Officers belonging to any of the Police Courts already established, and for conducting the Business of the said additional Police Court as may be deemed expedient; and every Divisional Justice attending at every new or additional Police Court to be established in any Division under the Authority of this Act shall have and exercise all Rights, Powers, Privileges, Jurisdictions, and Authorities at such Police Court as last aforesaid, and be subject to the like Direction and Control as he could or might by Law exercise or may be subject to at any Divisional Court already established or to be established within the said District.

Chief or
 Under Secretary may
 make Rules
 for Business
 of Courts.
 London
 Police Act,
 2 & 3 Vict.
 c. 71. s. 16.

LXXIX. The Chief Secretary, or in his Absence the Under Secretary, may from Time to Time make such Rules for regulating the Manner of conducting the Business in the said Courts, and for securing Uniformity therein, as shall appear fit to be made, and may vary or rescind any such Rule, and make others in lieu thereof; and a Copy of every such Rule, signed by the Chief or Under Secretary, shall be sent to each of the said Justices, and to the Chief Clerk of each of the said Courts; and every Rule made for such Purposes as aforesaid shall be observed by the Justices, Clerks, and Officers of the said Courts.

Place in
 which Justices hear
 summary
 Proceedings
 an open
 Court.
 14 & 15 Vict.
 c. 93. s. 9.
 Parties may
 have Counsel
 or Attorney.

LXXX. In all Cases of summary Proceedings, the Place in which any Divisional Justice shall sit to hear and determine any Complaint shall be deemed an open Court, to which the Public generally may have Access, so far as the same can conveniently contain them; and the Parties by and against whom any Complaint or Information shall there be heard shall be admitted to conduct or make their full Answer and Defence thereto respectively, and to have the Witnesses examined and cross-examined by themselves or by Counsel or Attorney on their Behalf.

Place where
 Examinations in Proceedings for
 indictable
 Offences are
 taken not an

LXXXI. In all Cases of Proceedings for indictable Offences, the Place in which any such Divisional Justice shall sit to take any Examination or Statement relating to any such Offence shall not be deemed an open Court for that Purpose, but it shall be lawful for such Justice in his Discretion to order that no Person (the Counsel or Attorney

Attorney of any Person then being in such Court as a Prisoner only excepted) shall have Access to or be or remain in such Place without the Consent or Permission of such Justice, if it appear to him that the Ends of Justice will be thereby best answered; and if any Person
 5 shall wilfully insult any such Divisional Justice so sitting in any such Court or Place, or shall commit any other Contempt of any such Court, it shall be lawful for such Justice by any verbal Order either to direct such Person to be removed from such Court or Place, or to be taken into Custody, and at any Time before the rising of such
 10 Court by Warrant to commit such Person to Gaol for any Period not exceeding *Seven Days*, or to fine such Person in any Sum not exceeding *Forty Shillings*.

Police Force.
 open Court without Consent of Justice.

Power to commit and fine for Contempt of Court.

LXXXII. No Divisional Justice acting at any of such Police Courts shall permit any Person to act as an Attorney or Solicitor in
 15 the Prosecution of any Cause, Matter, or Proceeding pending before such Justice who is not a Solicitor or Attorney of some One of Her Majesty's Courts of Record at Dublin.

No Attorney to practise in Police Courts, unless admitted in Superior Courts.

LXXXIII. It shall be lawful for any such Justice acting as aforesaid to suspend any Solicitor or Attorney from Practice therein for
 20 any Period not exceeding *Twelve Calendar Months*, by reason of any Misbehaviour of such Solicitor or Attorney: Provided always, that every such Suspension shall be by Order in Writing, stating the Cause thereof; and every Person so suspended shall be entitled to a Copy of such Order, and shall be at liberty to apply to the Judges of Her
 25 Majesty's Court of Queen's Bench in Ireland, or any of them, in order to have such Suspension removed; and such Judges, or any of them, may make such Order on such Petition as to them or him may seem befitting; and if such Judges, or any of them, shall be of opinion that such Suspension was improperly ordered by such Justice, they or he
 30 shall certify such Opinion on such Order of Suspension, and shall communicate the same to the said Chief or Under Secretary.

Attorneys may be suspended for Misconduct.

Appeal by Petition to Queen's Bench.

LXXXIV. Such Fees as are contained in the Schedule C. to this Act annexed, and no other or greater Fees, may be taken for any
 Business done or Proceedings had before or by any of the said Justices, or by any Justice acting in any Police Court within the said
 35 Police District, and a Table of such Fees shall be fixed in some conspicuous Part of each of the said Courts, and it shall be lawful for any of the said Justices to refuse to do any Act for which any Fee shall be demandable, unless such Fee shall be first paid; and if any such Act
 40 shall be done, and the Fee due thereon shall not be paid, it shall be lawful for any of the said Justices to summon the Person from whom such Fee shall be due, and to make Order for Payment of the same,

Fees.
 Fees, &c.
 5 Vict. c. 24. s. 69.

Police Courts. with the Costs of the Proceedings, and in default of Payment to levy the same, with the Costs of the Distress, by Warrant under his Hand.

Clerks to
keep Ac-
count of
Fees.
48 G. 3.
c. 140. s. 28.
2 & 3 Vict.
c. 71. s. 46.
London.

LXXXV. The Divisional Justices at each of the said Courts shall take care that One of their Clerks shall, in Books to be provided for that Purpose, keep a full, true, and particular Account of all Fees received thereat, and that such Clerk shall once in every Month deliver unto the Receiver such Account, verified by a solemn Declaration, to be made by the Clerk or other Person who shall have heretofore received such Fees, or in any Manner interfered therewith, or who may hereafter be appointed to receive the same, or so to interfere therewith, or in keeping such Accounts respectively, or any Part thereof, and which Declaration shall be made before One of the said Commissioners; and such Clerk or other Person shall pay the Amount of all such Fees to the Receiver without any Delay; and the Receiver shall at all Times have free Access to the said Books of Account. 5 10 15

*Divisional
Justices.*

Divisional
Justices
hereafter to
be appointed
shall be Bar-
risters.
48 G. 3.
c. 140. s. 14.
5 Vict. c. 24.
s. 46.

LXXXVI. When any of the Offices of Divisional Justice shall by Death, Resignation, Removal, or otherwise become vacant, the same, if necessary, shall be filled up by the Lord Lieutenant; and any Person who may hereafter be appointed to supply such Vacancy shall be a Barrister, who shall have practised as such during at least *Six* Years then last past. 20

Proviso
against prac-
tising, &c.

LXXXVII. No Barrister who at present is or shall hereafter be appointed a Divisional Justice of the said District shall, during his Continuance in the said Office, practise as a Barrister in any Manner whatever, save and except in the Discharge of his Duty as such Divisional Justice, or act in any Manner whatsoever for Profit or Emolument, so as to interfere with or interrupt him in the due Discharge of the Duties of his said Office, contrary to the true Intent and Meaning of this Act; and if any such Barrister shall offend herein, it shall be lawful for the said Lord Lieutenant either to remove him altogether from the said Office, or to direct that he be suspended from the Performance of the Duties thereof for such Period as the said Lord Lieutenant shall think fit. 25 30

Divisional
Justices to
take Oaths
of and be
Justices in
District and
Counties
adjoining.

LXXXVIII. Every such Divisional Justice shall, before he shall begin to execute the Duties of his Office, take and subscribe before some Justice or Baron of One of Her Majesty's Courts of Record at Dublin, such Oath of Office as is or shall be by Law required to be taken by the Justices of the Peace in Ireland, and thereupon shall to all Intents and Purposes be a Justice of the Peace within every Part of the said Police District of Dublin Metropolitan, and shall also be 35 40

be a Justice of the Peace within and for the Counties of Dublin, Wicklow, Kildare, and Meath.

Divisional Justices.

LXXXIX. Whenever the Number of Police Divisions in the said District shall be reduced below Three, it shall and may be lawful for the said Lord Lieutenant to select from and out of the Divisional Justices then acting as such so many as may be required to discharge the Duties of the Police Courts therein, and to supersede any other of the said Justices whose Services may not be required, and in like Manner to supersede any Clerk or Clerks previously attached to any such Courts.

When Divisions reduced below Three, Justices, &c. may be superseded by Lord Lieutenant. 1 Vict. c. 25. s. 14.

XC. So soon as the Divisional Justices now holding Office or hereafter to be appointed shall be reduced to any Number under Six, the Salaries of such Justices shall be increased from the present Salary of Six hundred Pounds to such Sum by the Year as the Lord Lieutenant shall, with the Sanction of the Commissioners of the Treasury, direct, not exceeding *Eight hundred Pounds*, to be charged on the Funds applicable to the Maintenance of the Police: Provided always, that the Compensation or Allowances of any such Justices who shall retire or be superseded or removed within *One Year* from the passing of this Act, shall be calculated on the Amount of the Salaries of such Justices at the Time of the passing of this Act.

Salaries of Divisional Justices.

XCI. If any of the Divisional Justices before whom any Information shall be exhibited, or other Proceeding had, prosecuted, or continued, shall die or be absent pending such Information or Proceeding, or before the same shall be finally disposed of, it shall be lawful for any other of the Divisional Justices to entertain, hear, determine, and dispose of such Information and Proceeding, and to do all Acts in relation thereto, in like Manner and with the like Powers and Authority for all Intents and Purposes as if such Information had been originally exhibited or Proceeding had or taken before such last-mentioned Justice or Justices respectively.

In case of Death or Absence of Divisional Justice. 5 Vict. c. 24. s. 73.

XCII. It shall be lawful for any One Divisional Justice to sign or execute any Warrant or other Instrument, or to do alone, at any of the said Police Courts, or at any Place where for any special Purpose he may by Warrant under the Hand of the said Chief or Under Secretary be directed to attend, and to act singly, any Act which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, is or shall be directed to be signed, executed, or done by more than One Justice.

One Divisional Justice may do any Act directed to be done by more than One Justice. 5 Vict. c. 24. s. 47.

XCIII. No Justice or Justices of the Peace for the County of Dublin, or for the County of the City of Dublin, shall act as such in

No Justice for County or City of

Divisional
Justices.

Dublin to
act in hold-
ing Petty
Sessions or
summarily
within Dis-
trict.

48 G. 3.
c. 140. s. 27.
2 & 3 Vict.
c. 71. s. 42.
(London.)

No Person
charged with
High Treas-
on shall be
admitted
Approver
without Con-
sent of
Attorney or
Solicitor
General.
48 G. 3.
s. 35.

Power of
Justices
under
35 & 36 G. 3.
to vest in
Divisional
Justices.
48 G. 3.
c. 140. s. 70.

Divisional
Justice may
determine
between
Pawn-
brokers and
Borrowers ;
and levy
Award by
Distress ;
5 G. 4.
c. 102. s. 22.
and for Want
imprison
Party for
Two Months.
Disputes
between
Watermen
and others
to be settled
by a Divi-
sional Jus-
tice.
5 Vict. c. 24.
s. 21.

the holding of any Court of Petty Sessions, or in the issuing or granting of any Summons or Warrant, or in the Hearing and Adjudication of any Complaint, Cause, or Matter to be heard and determined by him or them summarily within the said District; but all such Summonses and Warrants shall be granted, and all such Complaints, 5 Causes, and Matters shall be heard and determined only at One of the Police Courts by One or more of the said Divisional Justices, and not elsewhere or otherwise.

XCIV. No Person charged with having committed any High Treason within the said Police District shall be admitted to give 10 Evidence for the Crown against any Accomplice without the previous Consent in Writing of Her Majesty's Attorney General, or in his Absence, or in the Vacancy of the said Office, without such Consent of Her Majesty's Solicitor General, or of some other Person duly authorized to give such Consent; and any Justice offending herein 15 shall forfeit the Sum of *One hundred Pounds*, to be recovered by Civil Bill in the proper Jurisdiction.

XCV. All Powers now in force, and vested in the Divisional or other Justices under the Acts of the Thirty-fifth Year of His Majesty King George the Third, Chapter Thirty-six, and the Thirty-sixth 20 Year of the Reign of His said Majesty, Chapter Thirty, shall from and after the *passing of this Act*, in every Case relating to the Business of a Pawnbroker, be vested in the said Divisional Justices.

XCVI. Whenever any Dispute between any Pawnbroker and Borrower concerning any Pawn shall be determined by any Divisional 25 Justice, and any Money shall be awarded to be paid, it shall be lawful, in case of Nonpayment, for such Divisional Justice by Warrant under his Hand and Seal, to cause the Money awarded to be levied by Distress and Sale of the Goods of the Person who shall be ordered to pay; and for Want of sufficient Goods, it shall be lawful for such 30 Divisional Justice by like Warrant to commit such Person to the Common Gaol for any Period not exceeding *Two* Calendar Months, or until such Sum shall be sooner paid.

XCVII. All Differences which shall happen between any Barge- men, Lightermen, Watermen, Ballastmen, Coal Whippers, Coal 35 Porters, Sailors, Lumpers, Riggers, Shipwrights, Caulkers, or other Labourers who work for Hire in or upon the River Liffey or Harbour of Kingstown, or the Docks, Creeks, Wharfs, Quays, or Places adjacent, and the Owners, Masters, or Commanders of Vessels, or their Agents on the said River or Harbour, or the Docks or Creeks 40 thereunto adjoining, or the Owners, Wharfingers, or Occupiers of such Wharfs

*Divisional
Justices.*

Wharfs or Quays, or their Agents or other Employers, respecting Wages or Money due to such Labourers for Work or Loss of Time, whether the same Persons be employed for any certain Time or in any other Manner, may be heard and determined by any of the said
5 Divisional Justices; and every such Justice is hereby empowered to make such Order for Payment of so much Wages or Money to such Labourer as to the Justice shall seem just, provided that the Sum ordered do not exceed *Five Pounds*, besides all reasonable Costs attending the Prosecution of the Complaint.

- 10 XCVIII. Every Person who by committing any Offence herein forbidden within the Police District shall have caused any Hurt or Damage to any Person or Property may be apprehended, with or without any Warrant, by any Constable, and if he shall not upon Demand make Amends for such Hurt or Damage to the Satisfaction
15 of the Persons aggrieved, he shall be detained by the Constable in order to be taken before a Divisional Justice, and upon Conviction shall pay, in addition to any Penalty to which he may be liable, such a Sum, not exceeding *Ten Pounds*, as shall appear to the Divisional Justice before whom he shall be convicted to be reasonable Amends
20 to the Person aggrieved.

*Divisional
Justices may
award rea-
sonable Com-
pensation for
Hurt or
Damage.
5 Vict. c. 24.
s. 25.*

- XCIX. It shall be lawful for any Divisional Justice who shall hear and determine any Charge or Complaint, whether or not a Warrant or Summons shall have been issued in consequence of such Charge or Complaint, to award such Costs as to him shall seem meet to be paid
25 to or by either of the Parties to the said Charge or Complaint.

*Power to
award Costs
on hearing of
Charges.
5 Vict. c. 24.
s. 59.*

- C. Any One of the Divisional Justices, if he shall think fit, may remand any Person for further Examination, or may suffer to go at large any Person who shall be charged before him with any Felony or Misdemeanor upon his personal Recognizance (with or without
30 Sureties); and every such Recognizance shall be conditioned for the Appearance of such Person before the same or some other of the said Justices for further Examination, or to surrender himself to take his Trial before such Court, and at such Day and Place as shall be therein mentioned; and the Justice shall be at liberty from
35 Time to Time to enlarge every such Recognizance to such further Time as he shall appoint; and every such Recognizance which shall not be enlarged shall be discharged, without Fee or Reward, when the Party shall have appeared according to the Condition thereof: Provided always, that whenever any Justice shall take the Recogni-
40 zance of any Person to appear and take his Trial before any Court of Criminal Jurisdiction, the Justice shall be bound to return the Depositions taken in the Case, and to bind over the Witnesses to appear

*Power to
remand or
enlarge Pri-
soners on
Recogni-
zances.
5 Vict. c. 24.
s. 64.*

*Divisional
Justices.*
—

and give Evidence in like Manner as if he had committed the Party to take his Trial at such Court.

Power to
lessen Shares
of Penalties
to Informers.
5 Vict. c. 24.
s. 62.

CI. Where by any Act now in force or hereafter to be passed a Moiety or other fixed Portion of the Penalty or Penalties thereby imposed is or shall be directed to be paid to the Informer, not being 5 the Party aggrieved, it shall be lawful for any One of the said Divisional Justices before whom the Conviction shall be had to adjudge that no Part or such Part only of the Penalty as he shall think fit shall be paid to the Informer.

Power to
mitigate
Penalties.
5 Vict. c. 24.
s. 63.

CII. Where by any Act now in force or hereafter to be passed a 10 limited Penalty or Term of Imprisonment is imposed on Conviction of an Offender before a Justice or Justices of the Peace, it shall be lawful for any One of the said Justices before whom such Conviction shall be had to reduce or lessen such Penalty or Term of Imprisonment in such Manner as he may think fit: Provided always, 15 that such Reduction be made in open Court and not otherwise, and that no Penalty for the Infringement of any Act relating to the Revenue of Customs or Excise, Stamps or Taxes, or to Her Majesty's Post Office, shall be reduced by any such Justice below the Amount or Proportion allowed in that Behalf by the Acts specially relating 20 thereunto, without the Consent of the Commissioners of Her Majesty's Inland Revenue, or the Commissioners of Her Majesty's Customs or Her Majesty's Postmaster General respectively, according as the Matter of the said Conviction may refer to the Customs, Inland Revenue, or Post Office. 25

Proviso as
to Revenue
Acts.

Divisional
Justices may
proceed by
Summons,
and if Party
summoned
does not
appear, may
issue War-
rant.
5 Vict. c. 24.
s. 49.

CIII. Upon any Information or Complaint made before any Divisional Justice touching or relating to any Offence or Thing which such Justice is authorized to hear and determine, he may summon the Party charged, and if such Party shall not appear according to the Tenor of the Summons, any One of the Justices, upon Proof of the 30 Service of the Summons, may proceed in all Cases which are not of a Criminal Nature, if no sufficient Cause shall be shown for the Non-appearance of the Party, to hear and determine the Case in the Absence of the Party, and in all Criminal Cases shall issue his Warrant for apprehending and bringing such Party before him or some 35 other Justice, in order that the said Information or Complaint may be heard and determined.

Warrant for
Apprehen-
sion may be
issued with-
out Sum-
mons, &c.
5 Vict. c. 24.
s. 51.

CIV. Every such Justice may, without issuing any Summons, forth- with issue his Warrant for the Apprehension of any Person charged with any Offence cognizable before him, whenever good Grounds for 40 so doing shall be stated on Oath before him.

CV. Any

- CV. Any such Justice may summon any Witness to appear and give Evidence before him, upon the Matter of any Offence cognizable before such Justice with which any Person shall be charged before him, at a Time and Place appointed for hearing the Information or Complaint, and by Warrant under his Hand and Seal may require any Person to be brought before him who shall neglect or refuse to appear to give Evidence at the Time and Place appointed in such Summons, Proof upon Oath being first given of personal Service of the Summons upon the Person against whom such Warrant shall be granted, and such Justice may commit any Person coming or brought before him who shall refuse to give Evidence to the Common Gaol, there to remain without Bail for any Time not exceeding *Fourteen Days*, or until such Person shall sooner submit himself to be examined; and in case of such Submission the Order of any such Justice shall be a sufficient Warrant for the Discharge of such Person; and no Person who shall be so summoned to attend before any Justice as a Witness shall be liable to Arrest for Debt whilst attending at the Place where such Justice shall sit, or whilst proceeding to or returning from the same, provided he shall proceed and return by the most direct Road without unnecessary Delay.

Divisional Justices.

Justices may enforce Attendance of Witnesses.
5 Vict. c. 24. s. 52.

Witnesses to be protected from Arrest for Debt;
14 & 15 Vict. c. 93. s. 13.

- CVI. The Provisions now in force of an Act passed in the Twelfth Year of Her present Majesty, Chapter Sixteen, for the Protection of Justices of the Peace in Ireland from vexatious Actions for Acts done by them in the Execution of their Offices, shall be and the same are hereby incorporated with this Act, so far as the same may be consistent with the express Provisions of this Act, and the Fourth Section of the said Act for the Protection of Justices who shall have granted Warrants in respect of Poor Rates shall be construed to extend and be applicable to all Warrants issued by any Divisional Justices in respect of any Rate, Tax, or Assessment by this or any other Act recoverable before such a Divisional Justice.

12 Vict. c. 16., for Protection of Justices from vexatious Actions, incorporated.

Informations.

- CVII. In every Case where the Commissioners or any Divisional Justice shall take any Information, such Commissioners or Divisional Justice shall in due Time before the Assizes then next ensuing, or before the then next Sitting of the Court of Queen's Bench or Quarter Sessions, as the Case may be or require, return every such Information to the Clerk of the Crown in the Queen's Bench, or to the Clerk of the Crown or Clerk of the Peace, or other proper Officer for the particular County where the Offence stated in any such Information shall be alleged to have been committed; and such Clerk of the Crown or Clerk of the Peace, or other proper Officer, shall thereupon give a Receipt in Writing under his Hand for such Information.

Informations taken by Justices shall be returned to the proper Clerk of the Crown, &c.
5 G. 4. c. 102. s. 11.

Informations.

Justices not
compellable
to act out of
District, or
in Offences
not being
Treason or
Felony.
5 G. 4. c. 102.
s. 11.

Power to
commit to
Kilmainham
Persons
charged with
Offences
beyond Dis-
trict.

CVIII. Provided, That no Commissioner or Justice shall in any Instance be compellable to act as a Justice of the Peace out of the said Police District upon any Information tendered or offered to be sworn, where the Offence charged shall not amount to Treason or Felony; and provided also, that in all Cases in which any Person shall be apprehended within the Police District of Dublin Metro-
polis, charged with Treason or Felony committed beyond the Limits of the said District, it shall be lawful for the Commissioner or Justice before whom such Person shall be brought, and such Commissioner or Justice is hereby required, to inquire into such Evidence and Things relating thereto as shall be then offered, and thereupon to take such Informations (if any) as may appear requisite touching the same; but if it shall appear to the said Commissioner or Justice that the Evidence so produced is insufficient to sustain the Charge so made, then the said Commissioner or Justice shall dismiss the same, and discharge such Party, or in the Discretion of such Justice commit him to Her Majesty's Gaol of Kilmainham, there to be detained until he shall be transmitted according to Law to the County, District, or Place where such Treason or Felony shall have originated, to be there further and finally disposed of.

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Amends may
be awarded
for frivolous
Informa-
tions.
5 Vict. c. 24.
s. 60.

CIX. In every Case in which any Information or Complaint of any Offence shall be made before any of the said Divisional Justices, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Justice by whom the Case shall be heard that there was no sufficient Ground for making the Charge, the Justice shall have Power to award such Amends, not more than the Sum of *Five Pounds*, to be paid by the Informer to the Party informed or complained against, for his Loss of Time and Expenses in the Matter, as to the Justice shall seem meet.

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Proceedings
on Informa-
tion before
Justices.
5 Vict. c. 24.
s. 70.

CX. All Offences committed within the Limits of the Police District, which under this or any other Act are punishable on summary Conviction before a Justice or Justices of the Peace, may be heard and determined by any One of the said Divisional Justices sitting at One of the Police Courts, or at any Place within such District where any such Justice may be directed to attend, by War-
rant of the Chief or Under Secretary as herein-before provided, in a summary Way, within *Six* Calendar Months at the farthest next after the Commission of such Offence, or within such shorter Time as shall be limited by the Act specifying the Offence, and not afterwards, whether or not any Information in Writing shall have been exhibited or taken by or before such Justices; and all such Proceedings by Summons, without Information in Writing, shall be as valid and effectual as if an Information in Writing had been first exhibited in
that

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that Behalf: Provided also, that the Justice, if he shall think fit, may require an Information in Writing to be laid in every Case in which it shall seem to him to be expedient, before the Matter of the Complaint or Charge shall be brought before him.

Informations.

- 5 CXI. In case any Person shall lodge any Information before any of the said Divisional Justices for any Offence alleged to have been committed by which he was not personally aggrieved, and shall afterwards directly or indirectly receive, without the Permission of One of the said Justices, any Sum of Money or other Rewards for com-
10 pounding, delaying, or withdrawing the Information, it shall be lawful for any One of the said Justices to issue his Summons or Warrant, as he may deem best, for bringing before him the Party charged with the Offence of such compounding, Delay, or Withdrawal; and if such Offence be proved by the Confession of the Party, or by the Oath
15 of any credible Witness, such Informant shall be liable to a Penalty not exceeding *Ten Pounds*.

Penalties for compound-
ing Informa-
tions.
5 Vict. c. 24
s. 61.

- CXII. Any Charge, Information, or Complaint made or preferred before any such Divisional Justice at any such Court, in respect to any alleged Breach of the Laws regulating Her Majesty's Inland
20 Revenue, Customs, or Post Office, may be withdrawn by the Person preferring, exhibiting, or making such Charge, Information, or Complaint, at any Time previous to the Hearing thereof, without such Withdrawal being any Bar or Impediment to preferring any other Suit, Information, or Proceeding whatsoever in the same or any other
25 Court in reference to such alleged Breach of such Laws, but in all such Cases it shall not be lawful to withdraw the same after any Witness in support of such Charge, Information, or Complaint has been sworn at the Instance of the Person preferring, exhibiting, or making such Charge, Information, or Complaint.

Revenue In-
formations
may be
withdrawn
without Pre-
judice at any
time before
Witness
sworn.

- 30 CXIII. Nothing in this Act contained, except the Provision em-
powering any One of the said Divisional Justices to hear and determine Offences now punishable on summary Conviction by or before Two or
more Justices of the Peace, and the Power herein-before given to the Lord Lieutenant to direct any Offence or Offences to be heard and
35 determined at any One Police Court or at certain Police Courts in the said Police District, and the Enactments herein-after contained respecting the Admission of Approvers to give Evidence against their Accomplices, shall extend or be deemed to extend to affect or alter
any Proceedings before Justices of the Peace for the Recovery or
40 Condemnation of any Penalties or Forfeitures incurred under any Act or Acts relating to the Inland Revenue of Her Majesty or to Her Majesty's Customs or Post Office.

Exceptions
as to Re-
venue Cases.

Informations.

Act not to
affect (ex-
cept in cer-
tain Cases)
Proceedings
in Informa-
tions under
Revenue or
Stamp Acts.
5 Vict. c. 24.
s. 78.

CXIV. Nothing in this Act contained, except the Provision em-
powering any One of the said Divisional Justices to hear and
determine Offences now punishable on summary Conviction by or
before Two or more Justices of the Peace, shall extend or be
deemed or construed to extend to affect or alter any Proceed- 5
ings before Justices of the Peace for the Recovery or Condemna-
tion of any Penalties or Forfeitures incurred under any Act or Acts
relating to the Revenue of Customs or Excise or Stamps, or to any
Act or Thing done by any Officer of Customs or Excise or Stamps,
but that all such Penalties and Forfeitures shall, except as aforesaid, 10
be sued for, recovered, mitigated, and applied under the Enactments
and Provisions of the several Acts relating to the said Revenues
respectively.

Offences.

For pre-
venting the
keeping of
Places for
Bear-baiting,
Cockfight-
ing, &c.
5 Vict. c. 24.
s. 8.

CXV. Every Person who shall be in possession of, or who shall lead,
drive, or exhibit in any Street, Lane, Road, or other Thoroughfare 15
within the said District, or who shall keep or use or act in the
Management of any House, Room, Pit, or other Place within the said
Police District for the Purpose of fighting or baiting Lions, Bears,
Wolves, Badgers, Cocks, Dogs, or other such Animals, shall be liable
to a Penalty of not more than *Five Pounds*, or, in the Discretion of 20
the Justice, may be committed to the Common Gaol, with or without
Hard Labour, for a Time not more than *One Calendar Month*, and
such Justice may order such Animal, if the same shall be of a
ferocious Nature, to be forthwith destroyed; and it shall be lawful
for any Superintendent belonging to the Dublin Police, with such 25
Constables as he shall think necessary, without Warrant, to enter
any Premises kept or used for any of the Purposes aforesaid, and take
into Custody all Persons who shall be found therein without lawful
Excuse, and every Person so found shall be liable to a Penalty not
more than *Forty Shillings*; and a Conviction under this Act of this 30
Offence shall not exempt the Owner, Keeper, or Manager of any such
House, Room, Pit, or Place from any Penalty or penal Consequences
to which he may be liable for having kept and maintained the
Nuisance thereby occasioned.

Regulations
as to Coffee
Shops or
Cellars, &c.
1 Vict. c. 25.
s. 21.

CXVI. No Shop, Room, Cellar, or Place of public Resort, where 35
ready-made Coffee, Tea, or other Liquors are sold or consumed, within
the said Police District, shall be kept open after the Hour of *Eleven*
at Night during any Part of the Year, nor open before the Hour of
Four in the Morning between *Lady Day* and *Michaelmas*, or before
Five in the Morning between *Michaelmas* and *Lady Day*; and no 40
Shop, Room, Cellar, or Place of public Resort, where any Refresh-
ments or any Liquors not subject to any Duties of Customs or
Excise are consumed, within the said Police District, shall be kept
open

Offences.

- open after the Hour of *One* in the Morning or before the Hour of *Five* in the Morning; and if any such Shop, Room, Cellar, or Place shall be open within the Hours herein-before respectively prohibited, or being shut up, if any Person shall during those Hours respectively be
- 5 found therein, except the Persons actually dwelling there, or having lawful Excuse for being there, or if Gaming shall be at any Time permitted or suffered therein, then the Master, Mistress, Waiter, or other Person having the Care, Government, or Management of such Shop, Room, Cellar, or Place, whether he or she be the real Owner or
- 10 Keeper thereof or not, shall forfeit and pay any Sum not exceeding *Five Pounds* upon Conviction of any such Offence before any such Justice, or, at the Discretion of the said Justice, shall and may be imprisoned and kept to Hard Labour in the Common Gaol for any Space of Time not exceeding *One Month*: Provided always, that
- 15 nothing herein contained shall apply to or affect any House duly licensed for the Sale of Wines and Spirituous Liquors; and that no such Conviction shall exempt the Owner, Keeper, or Manager of any such Shop, Room, Cellar, or Place from any Penalty or penal Consequence whereto he or she may be liable for keeping a disorderly
- 20 House.

Penalty for
offending
herein.

Proviso.

- CXVII. Every Person who shall have or keep any House, Shop, Room, or Place of public Resort within the Metropolitan Police District, wherein Provisions, Liquors, or Refreshments of any Kind shall be sold or consumed (whether the same shall be kept or retailed
- 25 therein or procured elsewhere), and who shall wilfully or knowingly permit Drunkenness or other disorderly Conduct in such House, Shop, Room, or Place, or knowingly suffer any unlawful Games or any Gaming whatsoever therein, or knowingly permit or suffer Prostitutes or Persons of notoriously bad Character to meet together and remain
- 30 therein, or shall allow, permit, or suffer Music or Dancing in such Places as aforesaid or in Premises thereto belonging on Sundays, shall for every such Offence be liable to a Penalty of not more than *Five Pounds*: Provided always, that if the Offender be a Licensed Victualler, or licensed to sell Beer by Retail to be drunk on the Pre-
- 35 mises, this Enactment shall not be construed to exempt him from the Penalties or penal Consequences to which he may be liable for committing an Offence against the Tenor of the Licence to him granted.

Regulations
respecting
Public
Houses to
extend to
other Houses
of public
Resort.
London
Police Act,
2 & 3 Vict.
c. 47. s. 44.
5 Vict. c. 24.
s. 7.

- CXVIII. Every Person who with Intent to exercise any Trade or Calling shall set up or place or begin or prepare to set up or place
- 40 any Booth, Stall, Tent, or other temporary Erection, or bring any travelling Show Van or other such moveable Exhibition in or to any Place within the said Police District, not being a bonâ fide Racecourse, or lawful and established Fair, or Market regularly and properly held,

Booths, &c.
not to be
erected
except in
lawful Fairs,
&c.

Offences.

and who shall decline or neglect to remove the same when thereunto requested by any Constable, or who shall assist or be present at or take any Part in holding any unlawful Fair or Market at any such Place, and who shall not leave the same on being requested by any Constable, may be forthwith taken into Custody by any Constable, 5 and shall be liable on Conviction by any Divisional Justice of any such Offence to a Penalty not exceeding *Ten Pounds*, and on such Refusal or Neglect, any Constable may take down or remove any such Booth, Stall, Tent, travelling Show Van, or Exhibition, and any Person who without lawful Authority in that Behalf shall hold or 10 permit to be held on any Ground the Property of such Person any Fair or Market shall be liable on Conviction thereof by any Divisional Justice to a Penalty of *Fifty Pounds*.

Publicans prohibited from supplying Liquors to Persons under Sixteen Years of Age. London Police Act, 2 & 3 Vict. c. 47. s. 43. 5 Vict. c. 24. s. 6.

CXIX. Every Person licensed to deal in exciseable Liquors within the said Police District, who shall knowingly supply any Sort of 15 distilled exciseable Liquor to any Boy or Girl apparently under the Age of *Sixteen* Years, to be drunk upon the Premises, shall be liable to a Penalty not more than *Twenty Shillings*, and upon Conviction of a Second Offence shall be liable to a Penalty not more than *Forty Shillings*, and upon Conviction of a Third Offence shall be liable to a 20 Penalty not more than *Five Pounds*.

Penalty for obtaining Money by threatening Information. London Police Act, 3 & 4 Vict. c. 84. s. 11.

CXX. Any Person who shall obtain or endeavour to obtain any Sum of Money or other Reward from any Person by threatening directly or indirectly to lodge any Information or make any Complaint before any Justice or Justices for any Misdemeanor, or as an Induce- 25 ment for forbearing to lay such Information or make such Complaint, shall, on Conviction of the Offence before any Divisional Justice, be liable to a Penalty of not more than *Ten Pounds*, or to be imprisoned for any Term not exceeding *Six Months*.

Money found with Vagrants and Beggars, how to be disposed of. Archbold (Eng.) pp. 390-392, Tit. Rogues and Vagabonds.

CXXI. Every Person wandering abroad or placing himself in any 30 public Place, Street, Highway, Court, or Passage within the said District to beg or gather Alms, or causing or encouraging any Child to do so, may without Warrant be arrested by any of the said Constables, and upon being convicted of any such Offence before One of the said Divisional Justices, be committed to the Common Gaol, with 35 or without Hard Labour, for any Time not exceeding *One Calendar Month*; and it shall be lawful for the Divisional Justice before whom any Person shall be so convicted to order that any Sum or Sums of Money found on the Person of such Vagrant or Beggar shall be handed to the Board of Superintendence of the Gaol in which such Beggar or 40 Vagrant shall be confined, and that such Money, or so much of it as shall be sufficient for the Purpose, shall be appropriated to the Subsistence

ence of such Vagrant or Beggar during such Imprisonment, returning the Residue (if any) to such Beggar or Vagrant on his Discharge.

Offences.

CXXII. Any Person who shall be brought before any such Justice, charged with having had in his Possession any base and counterfeit
 5 Coin, with Intent knowingly and fraudulently to utter, put off, and pass the same, or who shall fraudulently and knowingly utter, put off, and pass any base and counterfeit Coin, and which base and counterfeit Coin shall be intended to represent the Queen's Current Coin, upon being duly convicted thereof in a summary Way by and
 10 before the said Justice, shall be liable to a Penalty not exceeding *Five Pounds* for each Offence so committed, or, at the Discretion of such Justice, shall be committed to the Common Gaol, there to be kept to Hard Labour for any Time not exceeding *Three Months*.

Persons charged with uttering base Coin may be dealt with summarily.

CXXIII. If any Person in the said District shall, with Intent to
 15 defraud any other Person, wilfully forge or counterfeit the Signature of any other Person, or sign any false Name to any pretended Subscription List purporting to be for a charitable Purpose, or assume any false Name, or knowingly have in his Possession any such Subscription List or any Document with any forged or false Signature thereto,
 20 or wilfully publish any such Subscription List or Document, or any false Statements of pretended Disasters and Calamities, or make use of any false Pretence or false Representation whatsoever, with Intent fraudulently to procure any Sum of Money or other Thing, or by such Means shall obtain any Money or other Thing, such
 25 Person so offending, and being thereof convicted before any Divisional Justice at any of the said Police Courts, shall be liable to pay a Penalty not exceeding *Five Pounds*, or, in the Discretion of the said Justice, be imprisoned in the Common Gaol, with or without Hard Labour, for any Term not exceeding *Three Calendar Months*.

Impostors obtaining or soliciting Money by fabricated Declarations or Statements may be dealt with summarily.

CXXIV. Any Person who shall commit any of the next following
 30 Offences within the said District shall on Conviction thereof be deemed guilty of a Misdemeanor; (that is to say,)

Framing a false Bill of Parcels a Misdemeanor. 5 Vict. c. 24.

Every Person who for the Purpose of protecting or preventing
 35 anything whatsoever from being seized within the Police District on Suspicion of its being stolen or otherwise unlawfully obtained, or of preventing the same from being produced or used as Evidence concerning any Felony or Misdemeanor committed or supposed to be committed within the Police District, shall frame or cause to be framed any Bill of Parcels containing any false
 40 Statement in regard to the Name or Abode of any alleged Vendor, the Quantity or Quality of any such Thing, the Place whence or the Conveyance by which the same was furnished, the

Offences.

- Price agreed upon or charged for the same, or any other Particular, knowing such Statement to be false, or who shall fraudulently produce such Bill of Parcels knowing the same to have been fraudulently framed :
- Cutting Ropes, Cables, &c.** 5 Vict. c. 24. s. 18. Every Person who shall unlawfully cut, damage, or destroy any of the Ropes, Cables, Cordage, Tackle, Headfasts, or other the Furniture of or belonging to any Ship, Boat, or Vessel lying in the River Liffey, Harbour of Dublin, or Harbour of Kingstown, or in any of the Docks or Creeks adjacent thereto respectively, with Intent to steal or otherwise unlawfully obtain the same or any Part thereof: 5
- Possessing Instruments for unlawfully carrying away Wine, &c.** 5 Vict. c. 24. s. 20. Every Person who shall be found within the Police District in or upon any Canal, Dock, Warehouse, Wharf, Quay, or Bank, or on board any Ship or Vessel, having in his Possession any Tube or other Instrument for the Purpose of unlawfully obtaining any Wine, Spirits, or other Liquors, or having in his or her Possession any Skin, Bladder, or other Material or Utensil for the Purpose of unlawfully using, secreting, or carrying away any such Wine, Spirits, or other Liquors, and any Person who shall attempt unlawfully to obtain any such Wine, Spirits, or other Liquor: 15
- Piercing Casks, opening Packages, &c.** 5 Vict. c. 24. s. 21. Every Person who shall within the Police District bore, pierce, break, cut open, or otherwise injure any Cask, Box, or Package containing Wine, Spirits, or other Liquors on board any Ship, Boat, or Vessel, or in or upon any Warehouse, Wharf, Quay, or Bank, with Intent feloniously to steal or otherwise unlawfully obtain any Part of the Contents thereof, or who shall unlawfully drink or wilfully spill or allow to run waste any Part of the Contents thereof: 20
- Breaking Casks, &c. with Intent to spill Contents.** 5 Vict. c. 24. s. 22. Every Person who shall within the Police District wilfully cause to be broken, pierced, started, cut, torn, or otherwise injured any Cask, Chest, Bag, or other Package containing or prepared for containing any Goods while on board of any Barge, Lighter, or other Craft lying in the said River or either of the said Harbours, or any Dock, Creek, Quay, Wharf, or Landing Place adjacent to the same, or in the Way to or from any Warehouse, with Intent that the Contents of such Package, or any Part thereof, may be spilled or dropped from such Package. 25
- Aggravated Assaults on Females, &c.** Act 16 & 17 Vict. c. 30. s. 1. extended to this Act. CXXV. Section One of the Act of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Thirty, is hereby extended to the said Police District, anything in Section Ten of the said Act to the contrary notwithstanding; and the Word "Metropolis" in the said Section One shall be held to mean the said Police District. 40

CXXVI. Any

CXXVI. Any Person who shall commit any of the next following Offences within the said Police District shall, on Conviction thereof, be liable to the Punishment herein-after specified in each Case ; (that is to say,)

Offences.

Punishment for certain Offences.

- 5 Any Person who shall unlawfully assault or resist any Constable or other Person belonging to the said Police Force in the Execution of his Duty, or shall aid or incite any Person so to assault or resist any such Constable or other Person, or who shall assault or beat any other Person, shall be liable to a Fine not exceeding the
- 10 Sum of *Five Pounds*, or to be imprisoned for a Term not exceeding *Three Months* :
- Any Person who shall assault or beat or use any other Violence to any other Person with Intent to deter him from buying or selling any Corn or other Agricultural or Garden Produce in any
- 15 Market or other Place, or to stop the Conveyance of same, shall be liable to a Fine not exceeding the Sum of *Ten Pounds*, or to be imprisoned for a Term not exceeding *Three Months*.

Assaulting Constables. 6 & 7 W. 4. c. 29. s. 9.

14 & 15 Vict. c. 92. s. 2.

Assaults, with Intent to prevent Sale of Corn, &c. 14 & 15 Vict. c. 92.

- CXXVII. Nothing in this Act contained shall authorize any Justice to hear and determine in a summary Way any Case of
- 20 Assault in which any Question shall arise as to the Title to any Lands, Tenements, or Hereditaments, or any Interest therein or accruing thereupon, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Superior Court of Justice.

Not to apply to any Assault where a Title to Lands, &c. is in question.

- CXXVIII. Any Person found committing any of the next following
- 25 Offences within the said Police District in respect to the malicious Injury of Property may be immediately apprehended, without a Warrant, by any Superintendent, Inspector, or other Constable of the said District, or by the Owner of the Property in respect of which the Offence shall have been committed, or by the Servant of such Owner,
- 30 or by any other Person authorized by such Owner, or by any other Person in care or charge of such Property, and may be forthwith taken before any Divisional Justice, to be dealt with according to Law ; and such Person shall be liable to the Punishment herein-after specified in each Case ; (that is to say,)

Justice may order Punishment in following Cases :

- 35 Any Artificer, Workman, Journeyman, Apprentice, Servant, or Labourer who shall wilfully and unlawfully damage, spoil, or destroy any Goods, Wares, Work, or Materials committed to his Care or Charge, without the Consent of the Person by whom he shall be hired, retained, or employed, the Injury done being
- 40 under the Value of *Five Pounds*, shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justice before whom he shall be brought shall see fit, and shall also be liable to a Fine not exceeding the Sum of *Forty Shillings*, or to be imprisoned for a Term not exceeding *Two Months* :

Journeymen, &c. for spoiling Goods or Work. 14 & 15 Vict. c. 92. s. 3.

Offences.

Destroying,
&c. any
Fruit or
vegetable
Production
in a Garden,
&c.
14 & 15 Vict.
c. 92. s. 3.

Any Person who shall unlawfully and maliciously destroy, or damage with Intent to destroy, any Plant, Fruit, or vegetable Production growing in any Garden, Orchard, Nursery Ground, Shrubby, Pleasure Ground, Hot House, Green House, or Conservatory, shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Divisional Justice before whom such Case shall be brought shall see fit, and shall also be liable to a Fine not exceeding the Sum of *Twenty Pounds*, or to be imprisoned for any Term not exceeding *Six Months* :

Destroying,
&c. vege-
table Pro-
ductions not
growing in
Gardens, &c.
First Offence.
14 & 15 Vict.
c. 92. s. 3.

Any Person who shall unlawfully and maliciously destroy, or damage with Intent to destroy, any Plant, Fruit, or cultivated vegetable Production growing in any Land, open or enclosed, not being a Garden, Orchard, or Nursery Ground, shall for the First Offence pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Divisional Justice before whom the Case shall be brought shall see fit, and shall also be liable to a Fine not exceeding the Sum of *Forty Shillings*, or to be imprisoned for a Term not exceeding *One Month*, and for any Second or subsequent like Offence shall, in addition to any like Compensation, be liable to a Fine not exceeding the Sum of *Five Pounds*, or to be imprisoned for a Term not exceeding *Six Months*:

Second
Offence.
14 & 15 Vict.
c. 92. s. 3.

**Destroying
or damaging
Trees,
Shrubs, &c.
of any Value
under 5*l*.
14 & 15 Vict
c. 92. s. 3.**

Any Person who shall between Sunrise and Sunset unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or 25 damage the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, the Injury done being under the Value of Five Pounds, shall pay to the Party aggrieved such reasonable Amount of Compensation as the Divisional Justice before whom such Case shall be brought shall see fit, and shall also be liable 30 to a Fine not exceeding the Sum of *Five Pounds*, or to be imprisoned for a Term not exceeding *Six Months* :

Destroying,
&c. any
Fence, Wall,
Stile, or
Gate.
14 & 15 Vict.
c. 92. s. 3.
First Offence.

Any Person who shall unlawfully and maliciously damage or destroy any Fence of any Description whatsoever, or any Wall, Stile, or Gate, or any Part thereof respectively, shall for the First Offence 35 pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the said Divisional Justice shall see fit, and shall also be liable to a Fine not exceeding the Sum of *Five Pounds*, or to be imprisoned for a Term not exceeding *Six* Months; and for any Second or subsequent Offence he shall, in 40 addition to any Compensation ordered, be liable to a Fine not exceeding the Sum of *Ten Pounds*, or to be imprisoned for a Term not exceeding *Twelve Months*:

Second
Offence.

Obstructing Export of Agricultural Produce.

Any Person who shall unlawfully stop or seize upon any Waggon,
Cart, or other Carriage, or Horse, loaded with Corn, Pota- 45
toes,

Offences.

14 & 15 Vict.
c. 92. s. 3.

Breaking
Windows or
injuring
other Pro-
perty of a
Workhouse.
14 & 15 Vict.
c. 92. s. 3.

Damage to
Property in
any Case not
previously
provided
for (where
Value under
5l.)
14 & 15 Vict.
c. 92. s. 3.

Malice
against the
Owner not
essential to
any of such
Offences,
but not to
apply to un-
intentional
Trespasses.
14 & 15 Vict.
c. 92. s. 3.

Justices
may order
Punishment

toes, or other Provisions, in or on the Way to or from any Market or Place of shipping the same, or shall maliciously damage or destroy the same, or any Part thereof, or the Harness of the Horses drawing the same, or shall unlawfully take off,
5 drive away, kill, or wound any of such Horses in order to stop the same, or shall, by cutting the Sacks or otherwise, scatter or throw abroad such Corn, Potatoes, or other Provisions, or shall take and carry away or damage the same or any Part thereof, or shall distribute the same, or compel the Owner or his Servant,
10 or the Carrier of the same, to distribute or otherwise depart from the Possession thereof or any Part thereof contrary to his Consent, shall be liable to a Fine not exceeding the Sum of *Ten Pounds*, or to be imprisoned for a Term not exceeding *Six Months* :

Any Person who shall unlawfully and maliciously break any Pane
15 of Glass in the Windows of any Workhouse of a Poor Law Union, or damage and destroy any of the Furniture, Clothes, or other Property of the Guardians of the Poor of any Poor Law Union, the Injury done being under the Value of *Forty Shillings*, shall be liable to a Fine not exceeding the Sum of *Forty Shillings*,
20 or be imprisoned with or without Hard Labour for a Term not exceeding *Three Months* :

Any Person who shall unlawfully and maliciously commit any Damage, Injury, or Spoil, to or upon any Real or Personal Property whatsoever, either of a public or private Nature, for
25 which no Punishment is already otherwise herein provided, the Injury done being under the Value of Five Pounds, shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the said Divisional Justice shall see fit, and shall also be liable to a Fine not exceeding the Sum of *Forty*
30 *Shillings*, or to be imprisoned for a Term not exceeding *Three Months* .

And every Punishment and Forfeiture so imposed on any Person maliciously committing any of such Offences against Property shall equally apply and be enforced, whether the Offence shall be com-
35 mitted from Malice conceived against the Owner of the Property in respect of which it shall be committed, or otherwise : Provided always, that nothing herein contained shall extend to any Case where the Party offending acted under a fair and reasonable Supposition that he had a Right to do the Act complained of, nor to any Trespass, not
40 being wilful and malicious, committed in hunting, fishing, or the Pursuit of Game, but every such Trespass shall be punishable in the same Manner as before the passing of this Act.

CXXIX. Any Person found committing any of the next following Offences in respect to the stealing or damaging with Intent to steal
[107.] F Property

Offences.
in the follow-
ing Cases :

Property may be immediately apprehended without a Warrant by any Superintendent or Inspector of Police or other Constable, or by the Owner of the Property with respect to which the Offence shall be committed, or by the Servant of such Owner, or any Person authorized by such Owner, and such Offender may be forthwith taken before any Divisional Justice to be dealt with according to Law, and such Person shall be liable to the Punishment herein-after specified in each Case :

Hunting, &c.
Deer in any
enclosed
Ground.
14 & 15 Vict.
c. 92. s. 5.

Any Person who shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound or attempt to kill or wound, any Deer kept or being in any Park, Paddock, or enclosed Land wherein Deer shall be usually kept, shall be liable to a Fine not exceeding *Fifteen Pounds*, or to be imprisoned for a Term not exceeding *Three Months* :

Stealing
Dogs or
Beasts or
Birds ordi-
narily kept
in Confine-
ment, and
not the Sub-
jects of
Larceny.
14 & 15 Vict.
c. 92. s. 5.

Any Person who shall steal any Dog or any Beast or Bird ordinarily kept in a State of Confinement, not being the Subject of Larceny at Common Law, or in whose Possession or on whose Premises the same or the Skin or Plumage thereof shall be found by virtue of a Search Warrant or otherwise, such Person knowing that the said Dog, Beast, or Bird has been stolen, or that the Skin is the Skin of a stolen Dog or Beast, or that the Plumage is the Plumage of a stolen Bird, shall for the First Offence pay the Value of the Dog, Beast, or Bird to the Party aggrieved, and shall also be liable to a Fine not exceeding *Ten Pounds*, or to be imprisoned for a Term not exceeding *Six Months* ; and for a Second or subsequent Offence shall, in addition to any such Compensation, be liable to a Fine not exceeding *Twenty Pounds*, or to be imprisoned for a Term not exceeding *Twelve Months* :

Stealing, &c.
any live or
dead Fence,
wooden
Stile, or
Gate.
14 & 15 Vict.
c. 92. s. 5.
First Offence.
Subsequent
Offence.

Any Person who shall steal or damage with Intent to steal any Part of any live or dead Fence, or any wooden Post, Pale, or Rail set up or used as a Fence, or any Stile or Gate, or any Part thereof respectively, shall for the First Offence pay to the Party aggrieved the Value of the Article or Articles so stolen or the Amount of the Injury done, and shall also be liable to a Fine not exceeding *Five Pounds*, or to be imprisoned for a Term not exceeding *Three Months* ; and for any subsequent Offence shall, in addition to any such Compensation, be liable to a Fine not exceeding *Ten Pounds*, or to be imprisoned for a Term not exceeding *Six Months* :

Stealing
Trees,
Shrubs, &c.
under the
Value of 5*l.*,
growing
anywhere.
14 & 15 Vict.
c. 92. s. 5.
First Offence.

Any Person who shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal the whole or any Part of any growing Tree, Sapling, Shrub, or Underwood, or any growing Fruit or vegetable Production, or any growing cultivated Root or Plant, shall, in case the Value of the Article or Articles stolen or the Amount of the Injury done shall not exceed *Five Pounds*, for the First Offence pay to the Party aggrieved

- aggrieved the Value of the Article or Articles stolen or the Amount of the Injury done, and shall also be liable to a Fine not exceeding *Five Pounds*, or to be imprisoned for any Period not exceeding *Three Months*; and for any Second or subsequent Offence of the same Kind shall, in addition to any such Compensation, be liable to a Fine not exceeding *Ten Pounds*, or to be imprisoned for a Term not exceeding *Six Months*:
- Any Person who shall steal or damage with Intent to steal the whole or any Part of any Tree, Sapling, Shrub, or Underwood, or any cultivated Plant, Root, Fruit, or vegetable Production severed from the Soil, or any Turf or Peat manufactured or partly manufactured for Fuel, in case the Value of such Article or Articles stolen or the Amount of the Injury done shall not exceed Forty Shillings, shall for the First Offence pay to the Party aggrieved the Value of the Article or Articles so stolen, or the Amount of the Injury done, and shall also be liable to a Fine not exceeding *Five Pounds*, or to be imprisoned for a Term not exceeding *Three Months*; and for a Second or subsequent Offence of the same Kind shall, in addition to such Compensation, be liable to a Fine not exceeding *Ten Pounds*, or to be imprisoned for a Term not exceeding *Six Months*:
- Any Artificer, Workman, Journeyman, Apprentice, Servant, or Labourer, who shall unlawfully dispose of or retain in his Possession, without the Consent of the Person by whom he shall be hired, retained, or employed, any Goods, Wares, Work, or Materials committed to his Care or Charge, the Value of such Goods, Wares, Work, or Materials not exceeding the Sum of Five Pounds, shall pay to the Party aggrieved such Compensation as such Justice shall think reasonable, and shall also be liable to a Fine not exceeding *Forty Shillings*, or to be imprisoned for a Term not exceeding *One Month*:
- And in every such Case any such Articles of stolen Property shall, by Order of such Justice by whom the Case shall be heard and determined, be delivered over to the rightful Owner if known, or if the right Owner shall not be known the same shall be sold, and the Proceeds hereof applied in like Manner as any Penalties imposed by such Justices shall be by Law applicable.

Offences.

14 & 15 Vict.
c. 92. s. 5.

Second
Offence.

Stealing
Trees,
Plants, Vege-
tables, &c.
severed from
the Soil, or
Turf Fuel,
not exceed-
ing 40s. in
Value.

First Offence.

Second
Offence.
14 & 15 Vict.
c. 92. s. 5.

Workman,
&c. making
away with
Goods com-
mitted to
his Care.
14 & 15 Vict.
c. 92. s. 5.

Justice may
order Resti-
tution of
such Pro-
perty.

Setting
Chimneys on
fire. See
Town's Police
Clauses Act,
10 & 11 Vict.
c. 89. s. 30.

Trespass on
Fields, &c.
after Warn-
ing;
14 & 15 Vict.
c. 92. s. 8.

CXXX. Every Person who wilfully sets or causes to be set on fire any Chimney or other Matter or Thing within the said District shall be liable to a Penalty not exceeding *Five Pounds*.

CXXXI. Any Person who shall wilfully trespass in any Field, Garden, Pleasure Ground, Wood, or Plantation, or other Enclosure, and shall neglect or refuse to leave any such Place after he shall have

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F 2

been

Offences. been warned to do so by the Owner, or by the Caretaker or Servant of the Owner, or by any Person authorized in that Behalf by the Owner, or who shall repeat any such Trespass within *One Month* from the Time when such Warning shall have been so given him, shall, on Conviction thereof, be liable to a Fine not exceeding *Ten Shillings*; 5 and in default of Payment thereof at such Time as the Justice or Justices shall direct shall be liable to be imprisoned for a Term not exceeding *One Week*; and any Person so wilfully trespassing may be removed by such Owner, Caretaker, Servant or authorized Person, or on the Request of such Owner, Caretaker, Servant or authorized 10 Person, by any Constable of the said Police Force: Provided always, that nothing herein contained shall extend to any Case where the Party trespassing acted under a fair and reasonable Supposition that he had a Right to go into or upon any such Place, nor to any Trespass, not being wilful or malicious, committed in hunting, fishing, or the 15 pursuit of Game, but every such Trespass shall be punishable in the same Manner as before the passing of this Act: Provided also, that nothing herein contained shall prevent any Person from maintaining any Civil Action or Suit for any such Trespass instead of proceeding under this Act. 20

but not to extend to certain Cases of Trespass,

and not to prevent Right of Civil Action.

Punishment for indecently exposing Person. CXXXII. Any Superintendent, Inspector, or Constable is hereby authorized without Warrant to arrest any Person who shall be charged by any other Person with the Offence of having in or near any House, Street, Lane, Common Highway, or other Place within the said District wilfully and indecently exposed his naked Person for 25 any Space of Time in the Presence of any other Person, with the manifest Intent to insult or annoy Females, and every such Person shall be liable to a Penalty of not more than *Ten Pounds* for every such Offence, or may be committed, if the Justice before whom he shall be convicted shall think fit, instead of inflicting on him any 30 pecuniary Penalty, to the Common Gaol, with or without Hard Labour, for any Time not more than *Six Months*.

Persons found undressing in an exposed Place may be arrested without Warrant, and fined or committed. CXXXIII. It shall be lawful for any Inspector or Constable of the Police to arrest without Warrant any Person who shall be found undressing in a Place exposed to public View, within the Distance of 35 *Two hundred Yards* of any public Thoroughfare or inhabited House within the said District after the Hour of *Eight* o'Clock in the Forenoon of any Day, or before the Hour of *Six* o'Clock in the Afternoon, within the View of Persons passing or repassing, residing or inhabiting, or who shall swim or wade, or in any Boat or other Vessel sail or 40 row, within the Space of *Two hundred Yards* of any Part of the Sea in the said District which shall be frequented or made use of by Females for the Purpose of bathing, so as to insult, disturb, or annoy such Females;

Females; and every such Person shall be liable to a Penalty of not more than *Ten Shillings* for every such Offence; or, if the Justice convicting shall think fit, instead of inflicting any pecuniary Penalty may be committed to the Common Gaol for any Time not more than *Seven Days*.

CXXXIV. Every Person who releases or attempts to release any Cattle from any Pound or Place where the same are impounded within the said Police District under the Authority of this Act, or who pulls down, damages, or destroys the same Pound or Place, or any Part thereof, with intent to procure the Release of such Cattle, shall, upon Conviction of such Offence before any Divisional Justice, be committed by him to the Common Gaol for any Time not exceeding *Three Months*.

Persons guilty of Pound Breach to be committed for Three Months. Towns Police Clauses Act, 1847. 10 & 11 Vict. c. 89. s. 26.

CXXXV. Nothing herein contained shall be construed to prevent any Person from being indicted for any indictable Offence made punishable on summary Conviction by this Act, or to relieve any Person from being liable under any other Act or Acts to any other or higher Penalty or Punishment than is provided for such Offence by this Act, so as (nevertheless) that no Person be punished twice for the same Offence.

Offenders may be either indicted or convicted summarily. 5 Vict. c. 24. s. 37.

CXXXVI. If any Person who shall take any Oath in pursuance of this Act shall wilfully swear falsely therein and shall be thereof lawfully convicted, any such Person so offending shall for any such Offence incur and suffer such Penalties, Pains, and Disabilities as Persons convicted of wilful and corrupt Perjury are or shall be liable to by any Law then in force in Ireland; and if any Person shall procure or suborn any other Person to take such false Oath and shall be thereof convicted (whether the Person having taken such false Oath shall be previously convicted or not), any such Person so procuring or suborning shall for every such Offence incur and suffer such Penalties, Forfeitures, Pains, and Disabilities as Persons convicted of Subornation of Perjury are or shall be liable to by any Law then in force in Ireland.

Penalty on false Oaths. 48 G. 3. c. 140. s. 124.

CXXXVII. For every Misdemeanor or other Offence against this Act for which no special Penalty is appointed, the Offender shall, at the Discretion of the Justice before whom the Conviction shall take Place, either be liable to a Penalty of not more than *Five Pounds*, or be imprisoned for any Time not more than *One Calendar Month* in any Gaol within the Police District.

Offences for which no Penalty is appointed. 5 Vict. c. 24. s. 36.

CXXXVIII. Every such Justice shall be empowered summarily to convict any Person charged with any Offence against this Act on the

Offences how to be tried.

Offences.

5 Vict. c. 24.
s. 38.

Oath of One or more Witnesses or by his own Confession, and to award the Penalty or Punishment herein provided for such Offence, and the Matter of every such Complaint shall be heard and determined by One or more of the Divisional Justices at one of the said Police Courts.

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Stolen Goods.

Persons
having stolen
Goods to
produce them
on Notice,
and state
from whom
received.
48 G. 3.
c. 140. s. 51.

CXXXIX. As often as any Person residing within the said District shall have in his Possession any Goods, and after receiving a Notice of such Goods being stolen with a Description thereof shall wilfully omit or refuse to make Discovery to the Divisional Justices of the Division in which such Person shall reside of so having the same, and of the Person or Persons from whom such Person received them, or shall, on being duly required by Notice in Writing, signed by any of the said Divisional Justices, neglect or omit to attend at the Police Court at such Time as shall be mentioned in such Notice, or refuse to be examined concerning the same; or if such Person upon Requisition made by any of the Constables to produce such Goods shall omit or refuse so to do, every Person so offending shall upon being convicted thereof forfeit a Sum not exceeding *Twenty Pounds* and the Value of such Goods, or, at the Discretion of such Justice, shall be committed to the Common Gaol, there to be kept, with or without Hard Labour, for any Time not exceeding *Six Months*.

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Persons to
account for
having cer-
tain Articles,
and on fail-
ing so to do,
liable to
Punishment
in following
Cases:
14 & 15 Vict.
c. 92. s. 4.

CXL. If any Person within the said Police District in whose Possession or on whose Premises, with his Knowledge, any of the Articles of Property herein-after mentioned shall be found in the Manner herein-after mentioned, shall not satisfy the Divisional Justice before whom he shall be brought that he came lawfully by the same, or that the same was on his Premises without his Knowledge or Assent, it shall be lawful for such Justice to hear and determine such Case; and if such Person shall be convicted of any of the next following Offences he shall be liable to the Punishment herein-after specified in each Case; (that is to say,)

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Persons in
possession of
shipwrecked
Goods.
14 & 15 Vict.
c. 92. s. 4.

Any Person in whose Possession or on whose Premises, with his Knowledge, any Goods, Merchandise, or Articles of any Kind belonging to any Ship or Vessel in distress, or wrecked, stranded, or cast on shore, shall be found by virtue of a Search Warrant or otherwise, shall be liable to a Fine not exceeding *Fifty Pounds*, or to be imprisoned for a Term not exceeding *Twelve Months*:

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Shipwrecked
Goods
offered for
Sale.
14 & 15 Vict.
c. 92. s. 4.

Any Person who shall offer or expose for Sale any Goods, Merchandise, or Articles whatsoever which shall have been unlawfully taken, or reasonably suspected to have been taken, from any Ship or Vessel in Distress, or wrecked, stranded, or cast on shore as aforesaid, shall pay such Sum as the said Justice shall fix as a reasonable Reward to the Person who shall have seized the same, and

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- and shall also be liable to a Fine not exceeding *Thirty Pounds*, or to be imprisoned for a Term not exceeding *Six Months*; and in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise, or Superintendent, Inspector, or other Constable of Police, may lawfully seize the same, and with all convenient Speed carry the same or give Notice of such Seizure to any Divisional Justice :
- 5 Any Person in whose Possession or on whose Premises, with his Knowledge, the Carcase of any Sheep, Lamb, or Deer, or the Head, Skin, or other Part thereof, or any Venison, Mutton, Fat, Skin, or Fleece of such Deer, Sheep, or Lamb, shall be found by virtue of any Search Warrant or otherwise, shall pay to the Party aggrieved the Charges previous to and attending his Conviction, and shall also be liable to a Fine not exceeding *Five Pounds*, or to be imprisoned for a Term not exceeding *Three Months* :
- 10 Any Person in whose Possession or on whose Premises, with his Knowledge, the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, or any Part of any live or dead Fence, or any Post, Pale, Rail, Stile, or Gate, or any Part thereof, being of the Value of Two Shillings at the least, shall be found by virtue of any Search Warrant or otherwise, shall pay to the Party aggrieved the Value of the Article or Articles so found, and shall also be liable to a Fine not exceeding *Forty Shillings*, or to be imprisoned for a Term not exceeding *One Month*.
- 15
- 20
- 25 CXLI. In every Case where any such Articles shall be of a perishable Nature, it shall be lawful for such Justice to direct that the same shall be delivered over to such Person as he or they shall be clearly satisfied to be the rightful Owner thereof; or if the rightful Owner shall not be known, that the same shall be sold, and the Proceeds thereof applied in like Manner as any Penalties imposed by any such Justice shall be by Law applicable: Provided always, that if any Person shall not under the Provisions last aforesaid be liable to Conviction, then, for the Discovery of the Person who actually stole or killed such Articles of Property, it shall be lawful for such Justice, at his Discretion, as the Evidence given and the Circumstances of the Case shall require, to summon before him any and every Person through whose Hands such Articles of Property or any Part thereof shall appear to have passed; and if the Person from whom the same shall have been first received, or any Person who shall have had Possession thereof, shall not satisfy such Divisional Justice that he came lawfully by the same, he shall be liable to the like Punishment as is herein-before provided in each such Case.
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- 40

Stolen Goods.
Officers of Customs, &c. may seize the Goods.

Persons in possession of stolen Mutton, &c. 14 & 15 Vict. c. 92. s. 4.

Persons in possession of stolen Wood. 14 & 15 Vict. c. 92. s. 4.

Justice may order Restitution of stolen Property. 14 & 15 Vict. c. 92. s. 4.

In case they are not convicted, Justice may summon other Persons.

Stolen Goods.

Party by
whom stolen
Goods are
received to
be examined
by Divisional
Justice.
5 Vict. c. 24.
s. 55.

CXLII. When any Person shall be brought before any Divisional Justice charged with having anything stolen or unlawfully obtained, and shall declare that he received the same from some other Person, or that he was employed as a Carrier, Agent, or Servant to convey the same for some other Person, such Justice is hereby authorized 5 and required to cause every such Person, and also, if necessary, every former or pretended Purchaser, or other Person through whose Possession the same shall be alleged to have passed, to be brought before him and examined, and to examine Witnesses upon Oath touching the same; and if it shall appear to such Justice that any 10 Person shall have had Possession of such Thing, and had reasonable Cause to believe the same to have been stolen or unlawfully obtained, every such Person shall be deemed guilty of a Misdemeanor, and shall be liable to a Penalty of not less than *Five Pounds*, or, in the Discretion of the Justice, may be imprisoned in any Gaol within 15 the Police District, with or without Hard Labour, for any Time not exceeding *Three Calendar Months*.

Persons
convicted of
having or
conveying
stolen
Goods liable
to Penalty
or Imprisonment.
5 Vict. c. 24.
s. 53.

CXLIII. Every Person who shall be brought before any of the Divisional Justices charged with having in his Possession, or on his Premises, with his Knowledge, or conveying in any Manner any- 20 thing which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an Account to the Satisfaction of such Justice how he came by the same, shall be deemed guilty of a Misdemeanor, and on Conviction thereof shall be liable to a Penalty of not more than *Five Pounds*, or, in the Discretion of the Justice, may 25 be imprisoned in any Gaol within the Police District, with or without Hard Labour, for any Time not exceeding *Three Calendar Months*.

Power
to order
Delivery of
stolen
Goods to
Owner.
5 Vict. c. 24.
s. 56.

CXLIV. If any Goods shall be stolen or unlawfully obtained from any Person, or, being lawfully obtained, shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and Complaint shall be made 30 thereof to any of the Divisional Justices, and that such Goods are in the Possession of any Broker, Dealer in Marine Stores, or other Dealer in Second-hand Property, or of any Person who shall have advanced Money upon the Credit of such Goods within the Police District, it shall be lawful for such Justice to issue a Summons or 35 Warrant for the Appearance of such Broker or Dealer, and for the Production of the Goods, and to order such Goods to be delivered up to the Owner thereof, either without any Payment, or upon Payment of such Sum and at such a Time as the Justice shall think fit; and every Broker or Dealer who, being so ordered, shall refuse or neglect 40 to deliver up the Goods, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained

obtained as aforesaid, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Justice: Provided always, that no such Order shall bar any such Broker or Dealer from recovering Possession of such Goods by Suit or Action at Law from the Person into whose Possession they may come by virtue of the Justice's Order.

Stolen Goods.

CXLV. If any Goods or Money charged to be stolen or fraudulently obtained shall be in the Custody of any Constable by virtue of any Warrant, or in prosecution of any Charge of Felony or Misdemeanor in regard to the obtaining thereof, and the Person charged with stealing or obtaining Possession as aforesaid shall not be found, or shall have been summarily convicted or discharged, or shall have been tried and acquitted, or if such Person shall have been tried and found guilty, it shall be lawful for any Divisional Justice to make an Order for the Delivery of such Goods or Money to the Party who shall appear to be the rightful Owner thereof, or, in case the Owner cannot be ascertained, then to make such Order with respect to such Goods or Money as to such Justice shall seem meet: Provided always, that no such Order shall be any Bar to the Right of any Person to sue the Party to whom such Goods or Money shall be delivered, and to recover such Goods or Money from him by Action at Law.

Power to order Delivery of Possession of Goods charged to have been stolen or fraudulently obtained and in Custody of Constables.
5 Vict. c. 24. s. 57.

CXLVI. If Information shall be given on Oath to any of the Divisional Justices that there is reasonable Cause for suspecting that any shipwrecked Goods, or anything stolen or unlawfully obtained is concealed or lodged in any Dwelling House or other Place, it shall be lawful for such Justice, by Warrant under his Hand directed to any Constable, to cause every such Dwelling House or other Place to be entered and searched at any Time of the Day or by Night, if Power for that Purpose be given by such Warrant; and the said Justice, if it shall appear to him necessary, may empower such Constable, with such Assistance as may be found necessary, such Constable having previously made known such his Authority, to use Force for the effecting of such Entry, whether by breaking open Doors or otherwise; and if upon Search thereupon made any such Thing shall be found, then to convey the same before a Justice, or to guard the same on the Spot until the Offenders are taken before a Justice, or otherwise dispose thereof in some Place of Safety, and moreover to take into Custody and carry before the said Justice every such Person found in such House or Place, who shall appear to have been privy to the Deposit of any such Thing, knowing or having reasonable Cause to suspect the same to have been stolen or otherwise unlawfully obtained; and any Person to whom any such Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been

On Suspicion of Goods being stolen or unlawfully obtained, Divisional Justices may grant Search Warrants.
5 Vict. c. 24. s. 54.

Stolen Goods.

committed on or with respect to such Property, is hereby authorized, and, if in his Power, is required to apprehend, without a Warrant, and forthwith to carry before a Divisional Justice, the Party offering the same, together with such Property, to be dealt with according to Law.

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Receivers shall be punishable as original Offenders. 14 & 15 Vict. c. 92.

CXLVII. Where the stealing or taking of any Property whatsoever is punishable by this Act, any Person who shall receive any such Property, knowing the same to be unlawfully come by, shall, on Conviction thereof before a Divisional Justice, be liable, for every First, Second, or subsequent Offence of receiving the same, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence of stealing or taking such Property is by this Act made liable.

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Nuisances.

Beasts, Swine, &c. wandering, may be impounded and Owner fined. 14 & 15 Vict. c. 92. ss. 10. & 19.

CXLVIII. It shall be lawful for any Person whatsoever to seize and impound, or cause to be seized and impounded, any Swine or Beasts which shall be found wandering through the Streets, Lanes, Passages, or other Places of public Thoroughfare within the said District; and if the Name and Residence of the Owner be known, it shall be lawful for any of the said Divisional Justices to fine such Owner of such Swine or Beast any Sum not exceeding *Two Shillings*; and in case any such Penalty and Expenses of impounding and detaining the same, when it shall be so impounded, shall not be paid within *Three Days* after imposing such Fine, or after impounding the same, to cause such Swine or Beast to be sold by Public Auction, and out of the Money arising from the Sale thereof to pay such Penalty, rendering the Overplus (if any) to the Owner if known, due Notice having been previously given of such Sale, in which shall be inserted the Name of the Place and Parish where such Swine or Beast was seized, which Notice shall be posted up in some conspicuous Places in the Parish where such Swine or Beast was seized, and at the Place where impounded, *Forty-eight Hours* at the least before the Time of Sale.

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Penalty on Persons committing any of the Offences herein named.

CXLIX. Every Person who in any Street, Lane, Passage, or Place of public Thoroughfare within the said Police District, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, commits any of the following Offences, shall be liable to a Penalty not exceeding *Forty Shillings* for each Offence, or, in the Discretion of the Justice before whom he is convicted, may be committed to Prison, there to remain for a Period not exceeding *Fourteen Days*; and any Constable or other Officer appointed by virtue of this Act shall take into Custody, without Warrant, and forthwith convey before a Justice, any Person who within his View commits any such Offence; (that is to say,)

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Every

- Every Person who by Negligence or Ill-usage in driving Cattle shall cause any Mischief to be done by such Cattle, or who shall in anywise misbehave himself in the driving, Care, or Management of such Cattle; and also every Person, not being hired or employed to drive such Cattle, who shall wantonly and unlawfully pelt, drive, or hunt any such Cattle:
- Every Person who shall ride or drive furiously, or so as to endanger the Life or Limb of any Person, or to the common Danger of the Passengers in any Thoroughfare:
- Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal:
- Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State:
- Every Person who, after public Notice given by any Justice directing Dogs to be confined on account of Suspicion of Canine Madness, suffers any Dog to be at large during the Time specified in such Notice, or who shall keep or suffer to be at large within *Fifty* Yards of any public Road, any Cur Dog, Mastiff, or Bulldog, without having such Dog muzzled, or without having a Block of Wood fastened to the Neck of such Dog, of sufficient Weight to prevent such Dog from being dangerous; and it shall be lawful for any Superintendent, Inspector, or Constable of the said Police Force, without Warrant, to seize or kill any Dog which he shall or may find, or which shall be found on any Road, Street, Lane, or other Place within the said District, contrary to the Provisions of this Act, and which shall be the Cause of immediate Danger to any Person whatsoever:
- Every Person who slaughters or dresses any Cattle or any Part thereof in any Street or Road, except in the Case of any Cattle over-driven which may have met with any Accident, and which for the public Safety or other reasonable Cause ought to be killed on the Spot:
- Every Person who places or leaves any Furniture, Goods, Wares, or Merchandise, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing-place, Stool, Bench, Stall, or Showboard on any Footway; or who places any Blind, Shade, Covering, Awning, or other Projection over or along any such Footway unless such Blind, Shade, Covering, Awning, or other Projection is *Eight* Feet in Height at least in every Part thereof from the Ground:
- Every Person who shall expose anything for Sale in any Park or public Garden (unless with the Consent of the Owner or other Person authorized to give such Consent), or upon or so as to hang over any Carriageway or Footway, or beyond the Line of
- Nuisances.
Negligent
Driving of
Cattle.

Furious
Driving.

Ferocious
Dogs.

Rabid Dogs.
10 & 11 Vict.
c. 89. s. 28.

Dogs to be
muzzled.
14 & 15 Vict.
c. 92. s. 10.

10 & 11 Vict.
c. 89. s. 28.

Obstruction
on Footway.

Obstruction
in Parks, &c.
- [107.] G 2 — any

<i>Nuisances.</i>	any House, Shop, or Building at which the same are so exposed, so as to obstruct, endanger, or incommode the Passage of any Person over or along such Footway :
Rolling Casks, &c. on Footway.	Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole Timber, or Log of Wood, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway :
Cords across Street, &c.	Every Person who places any Line, Cord, or Pole across any Street, or from any Window, or hangs or places any Clothes thereon, or places any Clothes or any other Matter or Thing whatsoever thereon, whereby or by means whereof the Persons passing and repassing in the said Street are or may be incommoded :
Prostitutes.	Every common Prostitute or Nightwalker loitering or importuning Passengers for the Purposes of Prostitution :
Indecent Prints.	Every Person who publicly offers for Sale or Distribution or exhibits to public View any seditious, profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sings any seditious, profane, or obscene Song or Ballad, or who shall write or draw any indecent or obscene Word, Figure, or Representation, or use any seditious, profane, or obscene Language :
Discharging Fire-arms. 2 & 3 Vict. c. 47. s. 55. (London.)	Every Person, other than Persons acting in obedience to lawful Authority, who shall discharge any Cannon or other Fire-arm within <i>Three</i> hundred Yards of any Dwelling House within the said District to the Annoyance of any Inhabitant thereof :
Fireworks, &c. 10 & 11 Vict. c. 89. s. 28.	Every Person who wantonly throws or discharges any Stone or other Missile, or makes any Bonfire, or throws or sets fire to any Firework :
Ringling Bells.	Every Person who wilfully and wantonly disturbs any Inhabitant, by pulling or ringing any Door Bell, or knocking at any Door, or who wilfully and unlawfully extinguishes the Light of any Lamp :
Flying Kites, Slides, &c.	Every Person who flies any Kite or who shall play at any Game to the Annoyance of the Inhabitants or Passengers, or who makes or uses any Slide upon Ice or Snow in any Street or other Thoroughfare to the common Danger of the Passengers :
Cleaning Casks.	Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, or slacks, sifts, or screens any Lime :
Laying down Stones, &c.	Every Person who throws or lays down any Stones, Coals, Slates, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials so enclosed as to prevent Mischief to Passengers) :
Beating Carpets.	Every Person who beats or shakes any Carpet, Rug, or Mat (except Door Mats, beaten or shaken before the Hour of <i>Eight</i> of the Clock in the Morning) :

Every

- Every Person who fixes or places any Flower Pot or Box or other heavy Article in any upper Window without sufficiently guarding the same against being blown down or thrown down : *Nuisances.*
Flower Pots.
- 5 Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger : *Throwing from Roof.*
- 10 Every Person who leaves open any Vault or Cellar or the Entrance from any Street to any Cellar or Room under Ground without a sufficient Fence or Handrail, or leaves defective the Door, Window, or other Covering of any Vault or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open, or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto : *Leaving open Vaults, &c.*
- 15 Every Person who keeps any Pigsty to the Front of any Street not being shut out from such Street by a sufficient Wall or Fence, or who keeps any Swine in or near any Street so as to be a common Nuisance : *Pigsties.*
10 & 11 Vict.
c. 89. s. 28.
- 20 Every Person who, after being made acquainted with the Regulations or Directions which the said Commissioners of Police shall have made for regulating the Route of Horses, Carts, Carriages, and Persons, during the Time of Divine Service, and for preventing Obstructions during Public Processions and on other Occasions, shall wilfully disregard or not conform himself thereunto : *Regulations for Carriages.*
- 25 Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper against or upon any Building, Wall, Fence, or Pale, or write upon, soil, deface, or mark any such Building, Wall, Fence, or Pale with Chalk or Paint, or in any other Way whatsoever, or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, or Pale, or any Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden : *Posting Bills.*
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- 35 Every Person who shall use any threatening, abusive, or insulting Words or Behaviour with Intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned : *Threatening Language.*
- 40 Every Person, except the Guards and Postmen belonging to Her Majesty's Post Office in the Performance of their Duty, who shall blow any Horn or use any other noisy Instrument for the Purpose of calling Persons together, or of announcing any Show or Entertainment, or for the Purpose of hawking, selling, distributing, or collecting any Article whatsoever : *Blowing Horns.*
- 45 Every Person who at any Theatre or other Place of Public Resort shall unlawfully and maliciously disturb the Tranquillity and good Order among Her Majesty's peaceable Subjects there assembled, or who shall encourage and endeavour to instigate or prevail on
- [107.] G 3 any

Nuisances.

Emptying
Privies.

any other Persons to disturb the Public Peace, or to injure or annoy any of the Persons so assembled in Person or Property :
 Every Person who shall empty or begin to empty any Privy between the Hours of *Six* in the Morning and *Twelve* at Night, or remove along any Thoroughfare any Night Soil, Soap Lees, Ammoniacal 5 Liquor, or other such offensive Matter between the Hours of *Six* in the Morning and *Eight* in the Evening, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not 10 carefully sweep and clean every Place in which any such offensive Matter shall have been placed, slopped, or spilled ; and in default of the Apprehension of the actual Offender, the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender : Provided always, that this Enactment shall 15 not be construed to prevent any Person who may be employed in paving, lighting, and cleansing Streets within the Metropolitan Police District, or any Persons acting in that respect, from emptying or removing along any Thoroughfare at any Time whatever the Contents of any Sewer which they are authorized to cleanse 20 or empty :

Cleaning
Footways.

Every Occupier of a House or other Tenement in any Town or on any Public Road within the said District who shall not keep sufficiently swept and cleansed all Footways and Watercourses adjoining the Premises occupied by him ; and if any Tenement 25 be empty or unoccupied the Owner thereof shall be deemed the Occupier with reference to this Enactment.

Penalties for
Offences.

CL. Any Person who shall on any such Road, Street, or Thoroughfare commit any of the next following Offences shall, in addition to any Civil Action to which he may make himself liable, be 30 also liable for every such Offence to a Fine not exceeding *Twenty Shillings* ; that is to say,

Leaving
Carriages,
&c. on Road.
14 & 15 Vict.
c. 92. s. 10.

Any Person who shall leave or permit to be left on any Road within the said District, opposite to or near his House or Office, any Plough, Harrow, Cart, or other Carriage, without the Horse 35 or other Animal being harnessed thereto, unless such Carriage shall have been accidentally broken down there :

Flax, Corn,
Cart Wheels,
&c.

Any Person who shall bind any Car or Cart Wheels, or beat any Flax, or thresh or winnow any Corn on any Road or Street in the said District, or within *Thirty* Feet of the Centre thereof, save 40 within any House or Yard :

Flax, Bricks,
Bonfires, &c.

Any Person who shall steep or dry any Flax, or burn any Bricks or Lime, or any Weeds or Vegetables for Ashes upon any Street or Road, or within *Sixty* Feet of the Centre thereof, or shall make
 or

- or assist in making any Fires commonly called Bonfires, or any other Kind of Fire, upon any such Street or Road, or within Sixty Feet of the Centre thereof, save within any House or Yard : *Nuisances.*
- 5 Any Person who causes any Carriage, Sledge, Truck, or Barrow, with or without Horses, or any Beast of Burden, to stand longer than is necessary for loading or unloading Goods, or for taking up or setting down Passengers (except Hackney Carriages, and Horses or other Beasts of Draught or Burden standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority) : Obstruction by Carriages, &c.
5 Vict. c. 24.
s. 14.
- 10 Any Person who causes any Tree or Timber or Iron Beam to be drawn in or upon any Carriage, without being supported by Wheels from touching the same, and having sufficient Means of safely guiding such Tree or Timber : By Trees, &c.
10 & 11 Vict.
c. 89. s. 28.
- 15 Any Person who leads or rides any Horse or other Animal, or draws or drives any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway of any Street, or fastens any Horse or other Animal so that it stands across or upon any Footway : Upon Footways.
10 & 11 Vict.
c. 89. s. 28.
- 20 Any Driver of any such Carriage as last aforesaid, not having the Owner's Name remaining legible thereon, who shall refuse to tell or to discover the true Christian and Surname and Residence of the Owner of such Carriage : Carriages, &c.
14 & 15 Vict.
c. 92. s. 12.
- 25 Any Person who at One Time drives more than Two Carts or Carriages, and any Person driving Two Carts or Carriages who has not the Halter of the Horse in the last Cart or Carriage securely fastened to the Back of the First Cart or Carriage, or has such Halter of a greater Length from such Fastening to the Horse's Head than *Four* Feet : Carts, &c.
10 & 11 Vict.
c. 89. s. 28.
- 30 Any Person having the Care of any loaded Cart, Dray, Caravan, or other Vehicle used in the Land Carriage Delivery or Sale of any Goods, Wares, Produce, Manufactures, Utensils, Machinery, Matter, Commodity, or Thing, who rides upon any such Vehicle, or on any Part thereof, or on any Animal drawing the same, and any Person who rides upon the Shafts of any such Vehicle when unloaded, or upon any Animal as aforesaid, or who, without having good Reins of a sufficient Length and Strength, and holding the same, rides upon any such unloaded Vehicle; and any Person who shall be at such a Distance from any Vehicle in his Charge as not to have due Control over every Animal drawing the same, or who, while delivering or receiving any loading, shall neglect to secure the Near Wheel of the Vehicle under his Care with a strong Drag Chain and Hook to the leading Shaft of such Vehicle behind the Forebar thereof : Carriages, &c.
14 & 15 Vict.
c. 92. s. 12.
- 35 Any Person driving any Carriage whatsoever, or riding any Horse or other Animal, who, meeting any other Carriage or Horse or Rule of Road.
14 & 15 Vict.
c. 92. s. 13.
- [107.] G 4 other

<i>Nuisances.</i>	other Animal, shall not keep his Carriage or Horse or other Animal on the Left or Near Side of the Road or Street, or, if passing any other Carriage or Horse or other Animal going in the same Direction, shall not in all Cases where it is practicable go and pass to the Right or Off Side of such other Carriage or Horse or other Animal :	5
Rule of Road. 14 & 15 Vict. c. 92. s. 13.	Any Person riding any Horse and leading any other Horse who shall not keep such led Horse on the Side farthest away from any Carriage or Person passing him on any public Road or in any Street of a Town :	10
Cattle.	Any Person who shall turn loose any Horse or Cattle :	
Exposing Horses, &c. for Show. 10 & 11 Vict. c. 89 s. 28.	Any Person who exposes for Show, Hire, or Sale (except in a Market or Market Place, or Fair lawfully appointed for that Purpose) any Horse or other Animal, or exhibits in a Caravan or otherwise any Show or public Entertainment, or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident), or cleans, dresses, exercises, trains, or breaks, or turns loose any Horse or Animal, or makes or repairs any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary) :	15
Riding on Carriage without Leave of Owner.	Any Person who shall ride upon or cause himself to be carried or drawn by any Carriage within the Police District without the Consent of the Owner or Driver thereof, shall be liable to a Penalty not more than <i>Five Shillings</i> , or if a Child apparently under the Age of <i>Twelve</i> Years, it shall be lawful for the Justice to cause such Child to be detained until his Parent or Guardian can attend for the Purpose of having such Child delivered into his Care, and if such Parent or Guardian do not so attend before the closing of the Police Court for the Day it shall be lawful for the Justice to order such Child to be discharged :	20
14 & 15 Vict. c. 92. s. 13.	And no Cart, Dray, Waggon, or other such Carriage travelling on any such Road or Street shall be driven by any Person who shall not be of the full Age of <i>Thirteen</i> Years, the Penalty in such last-mentioned Case to be paid by the Owners of such Carriage :	25
	Any Constable may seize and convey to the Common Pound or Livery Stable any Car, Cart, Carriage, Barrow, Truck, Sledge, Tree, Timber, Beam, Board, Plank, Iron, Furniture, Hay, Straw, Cask, Tub, Fruit, Vegetables, or other Article whatsoever which shall be found to obstruct any Road, Street, Court, or Passage, and shall not have been removed after due Caution being given to the Owner or Owners or other Person or Persons having the Charge thereof, and it shall be lawful for the said Commissioners to direct that the same shall be sold (if unclaimed or not redeemed) in the Manner hereinbefore directed respecting Swine or Beasts found wandering through the	30
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		the

the Streets, Lanes, Passages, or other Places of public Thoroughfare within the said District. *Nuisances.*

- CLI. If the Driver of any Carriage or Vehicle whatsoever or any Person riding shall by Negligence, wilful Misbehaviour, or any other Misconduct cause any Hurt or Damage to any Person or Property being upon any Street or Highway, or if the Driver of any Carriage or Vehicle whatever shall wilfully be at such Distance from such Carriage or Vehicle that he cannot have the Direction and Government of any Horse or Horses or Cattle drawing the same, not having employed some proper Person to take care of the same, or shall by Negligence, wilful Misbehaviour, or any other Misconduct interrupt the free Passage of any other Carriage or Vehicle or of Her Majesty's Subjects, or shall obstruct any Street or Highway, or any Crossing therein, or the Approach or Access to any House or Shop, and being required by any Constable or Peace Officer to pass on or move shall continue to obstruct the same, every Person so offending in any of the Cases aforesaid within the said District, and being convicted by any Justice of the Peace of any such Offence, shall for every such Offence forfeit any Sum not exceeding *Forty Shillings*, and in default of Payment of such Penalty and of such Compensation, if ordered, together with the Costs attending such Conviction, immediately or within such Time as such Justice shall appoint, such Justice shall and may commit such Offender to the Common Gaol, to be there imprisoned for any Term not exceeding *One Month*, unless such Penalty, together with the Costs and Compensation, if ordered, be sooner paid; and every such Offender shall and may by the Authority of this Act, with or without any Warrant, be apprehended by any Person who shall see such Offence committed, and shall be immediately conveyed or delivered to a Constable or other Peace Officer in order to be conveyed before some Justice of the Peace.

To prevent negligent or wilful Misbehaviour of Drivers of Carriages, &c. in the Streets or Highways. 1 Vict. c. 25. s. 23.

Penalty not exceeding 40s.

- CLII. All the Powers heretofore given to the late Commissioners for paving, cleansing, and lighting the City of Dublin, or to any One or more of them, in and by any of the Provisions now in force of the Acts in part repealed by the Dublin Improvement Act, 1849, of hearing and determining any Complaint for any Offence against the Provisions of the said Acts or any of them, and of imposing any Fine or Penalty thereon and enforcing the same, and of summoning the Parties and Witnesses thereon, shall be exercised by the Divisional Justices at the Police Court of the Division in which the Matter of the said Complaint shall have arisen; and all the Powers given in and by the said Provisions of the said Acts or any of them to any Inspector, Constable, or other Person appointed by the said late Commissioners for the Removal or Suppression of Nuisances, or the Apprehension of Persons committing

Certain Powers of former Commissioners of Paving transferred to Divisional Justices. 1 Vict. c. 25. s. 24. See Dublin Improvement Act, 12 & 13 Vict. c. 97 (1849) s. 1, repealing Portios of 47 G. 3. c. 109 (Pav-

Nuisances.
ing Act,
Dublin).

committing any Offence, shall be exercised by any of the Constables of the said Police in every Street, Lane, or other Place within the said Police District; and every such Constable shall for those Purposes have all the Powers, Authorities, and Privileges which by the said Provisions of the said Acts are given to the Inspectors, Constables, 5 and other Persons appointed by the said late Commissioners.

Power to
abate
dangerous
Nuisances.
9 & 10 Vict.
c. 96. s. 1.

10 & 11 Vict.
c. 89. s. 28.

CLIII. Every Person whose Dwelling House or Premises shall be kept in a filthy and unwholesome State, or who shall permit or suffer any Accumulation of offensive or noxious Matter, Refuse, Dung, or Offal, or any offensive Drain, Privy, or Cesspool, to be and remain a Common 10 Nuisance in or upon the Dwelling House and Premises occupied by such Person, prejudicial not only to the Health of the Persons whose Habitations are in the Neighbourhood of any such House or Premises, but also of those passing and re-passing along and by the same, or who shall throw or lay any Dirt, Litter, or Ashes, or Nightsoil, or any 15 Carrion, Fish, Offal, or Rubbish on any Street, or cause any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill in any Street, shall be liable to a Penalty not exceeding *Forty Shillings* for each Offence; and if any Constable shall have reasonable Grounds to suspect and believe that any such 20 Common Nuisance exists, or is maintained in or upon any such Dwelling House or Premises, it shall be lawful for such Constable, without Warrant, at all reasonable Hours to enter into and search such Dwelling House and Premises; and in case of the Existence of any such Nuisance, the said Constable shall forthwith lay a Complaint 25 before One of the said Divisional Justices touching the said Offence.

*Goods unlaw-
fully detained.*

Power to
order Deli-
very of Goods
unlawfully
detained to
the Owner.
5 Vict. c. 24.
s. 68.

CLIV. Upon Complaint made to any of the said Justices by any Person claiming to be entitled to the Property or Possession of any Goods which are detained by any other Person within the Limits of the Police District, the Value of which shall not be greater than 30 Fifteen Pounds, and not being Deeds, Muniments, or Papers relating to any Property of greater Value than Ten Pounds, it shall be lawful for such Justice to summon the Person complained of, and to inquire into the Title thereto or to the Possession thereof; and if it shall appear to the Justice that such Goods have been detained without 35 just Cause, after due Notice of the Claim made by the Person complaining, or that the Person detaining such Goods has a Lien or Right to detain the same by way of Security for the Payment of Money or the Performance of any Act by the Owner thereof, it shall be lawful for such Justice to order the Goods to be delivered 40 to the Owner thereof, either absolutely or upon Tender of the Amount appearing to be due by such Owner (which Amount the Justice is hereby authorized to determine), or upon Performance, or upon Tender

Tender and Refusal of the Performance, of the Act for the Performance whereof such Goods are detained as Security, or if such Act cannot be performed, then upon Tender of Amends for Nonperformance thereof (the Nature or Amount of which Amends the Justice is
5 hereby authorized to determine); and every Person who shall neglect or refuse to deliver up the Goods according to such Order shall forfeit to the Party aggrieved the full Value of such Goods, not greater than the Sum of *Ten Pounds*, such Value to be determined by the Justice: Provided always, that no such Order shall bar any Person
10 from recovering Possession of the Goods or Money so delivered or forfeited by Suit or Action at Law from the Person to whose Possession such Goods or Money shall come by virtue of such Order.

Goods unlawfully detained.

CLV. The whole of the said Police District shall be deemed a City or Town within the Meaning of Sections Sixteen and Seventeen
15 of the Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Twenty-eight.

Landlord and Tenant.

Summary Recovery of Tenements.

CLVI. Every Person who shall occupy or shall have occupied any House or Lodging within the Police District as Tenant thereof, and who shall wilfully or maliciously do any Damage to the Premises, or to
20 any Furniture thereof, not being the Property of such Tenant or Occupier, shall, upon Complaint made to One of the said Divisional Justices within *One Calendar Month* next after the Commission of the Offence, or the End of the Tenancy or Occupation, forfeit and pay such Sum of Money as shall appear to the Justice to be a reasonable Compensation for the Damage done, not more than the Sum of *Ten Pounds*, to be paid to the Landlord or Party aggrieved.

Power to order Compensation for wilful Damage by Tenants.
5 Vict. c. 24. s. 66.

CLVII. On Complaint made to any of the said Divisional Justices by any Person who shall within the Police District have occupied any House or Lodging by the Week or Month, or whereof the Rent does
30 not exceed the Rate of Fifteen Pounds by the Year, that his Goods have been taken from him by an unlawful Distress, or that the Landlord, or his Broker or Agent, has been guilty of an Irregularity or Excess in respect of such Distress, it shall be lawful for such Justice to summon the Party complained against; and if upon the Hearing of
35 the Matter it shall appear to the Justice that such Distress was improperly taken or unfairly disposed of, or that the Charges made by the Party having distrained or having attempted to distrain are contrary to Law, or that the Proceeds of the Sale of such Distress have not been duly accounted for to the Owner thereof, it shall be
40 lawful for the Justice to order the Distress so taken, if not sold, to be returned to the Tenant on Payment of the Rent which shall appear to be due at such Time as the Justice shall appoint, or if the Distress

Power to deal summarily with Cases of oppressive Distress.
5 Vict. c. 24. s. 67.

*Landlord and
Tenant.*

shall have been sold, then to order Payment to the said Tenant of the Value thereof, deducting thereout the Rent which shall so appear to be due, such Value to be determined by the Justice; and such Landlord or Party complained against, in default of Compliance with any such Order, shall forfeit to the Party aggrieved the Value of such 5 Distress, not being greater than *Ten Pounds*, such Value to be determined by the Justice.

Proceedings
to be taken
for Recovery
of Possession
of Houses,
&c. deserted.
14 & 15 Vict.
c. 57. s. 71.

CLVIII. After the *passing of this Act*, in the Case of any deserted House, Land, or Tenement within the said Police District where the Landlord or Lessor shall have proceeded by Civil Bill Process for the 10 Purpose of recovering the Possession thereof, pursuant to Section Seventy-one of the Act of the Fourteenth and Fifteenth Victoria, Chapter Fifty-seven, and shall require such Certificate as is by the said Section provided, it shall be lawful for any One of the said Divisional Justices to issue his Warrant to the Office Sergeant attached to the 15 Police Court in which such Divisional Justice shall preside, requiring him to enter into or go upon and view such House, Land, or Tenement; and thereupon such Sergeant shall proceed as the Justices are directed to proceed by the said Section Seventy-one, but instead of certifying to the Assistant Barrister, shall make a Return to the said 20 Warrant, and verify the same upon Oath before any One of such Divisional Justices, and it shall and may be lawful for any such Divisional Justice to transmit the said Warrant and Return thereto to the Assistant Barrister pursuant to the said Section Seventy-one, which Warrant and Return shall be of the same Force and Effect 25 as a Certificate within the said Section Seventy-one.

Rates.

Taxes on
Premises
situated as
herein may
be recovered
before any
Divisional
Justice.
12 & 13 Vict.
c. 91. s. 70.
Collection of
Rates,
Dublin.

CLIX. All Cesses, Rates, and Taxes authorized by Law to be levied by Order of any Justice or Justices of the Peace, and which are due on or payable out of or in respect of Premises wholly or in Part situate in the said Police District, may be recovered before any 30 Justice at One of the said Police Courts, although the entire of the Parish, Township, Barony, Townland, or Place subject to or assessed or applotted for such Cesses, Rates, or Taxes may not be within the said District: Provided always, that nothing in this Act contained shall be deemed or taken to exempt from Liability to such Cesses, 35 Rates, or Taxes any House, Land, or Tenement heretofore liable to and duly rated and assessed for the same.

Penalties.

Recovery of
Penalties
and For-
feitures.
5 Vict. c. 24.
s. 71.

CLX. All Penalties, Forfeitures, and other Sums of Money imposed, awarded, or ordered to be paid by any of the said Divisional Justices under the Authority of this or any other Act of Par- 40 liament, and all Sums of Money which any Person is bound to pay under any Recognizance taken before a Justice, and afterwards forfeited

forfeited in case of Nonpayment thereof, may be levied, with the Costs of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant under the Hand of such Justice; and the Overplus
 5 (if any) of the Money so raised or recovered, after discharging, with Costs, the Penalty, Forfeiture, or Sum ordered to be paid, shall be returned, on Demand, to the Party whose Goods and Chattels shall have been distrained.

Penalties.

10 CLXI. In case any such Penalty, Forfeiture, or Sum of Money shall not be forthwith paid, it shall be lawful for such Justice, if he shall think fit so to do, to order the Party to be detained in safe Custody until the Return can be conveniently made to such Warrant of Distress, unless such Party shall give Security to the Satisfaction of the Justice for his Appearance at such Place and Time, not being more than *Seven* Days from the Time of such Detention, as shall be appointed for the Return of the Warrant of Distress, and the Justice is hereby empowered to take such Security by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear
 20 that no such sufficient Distress could be had whereupon to levy the said Penalty, Forfeiture, or Sum of Money, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of the Justice, upon the Confession of the Party or otherwise, that he has not sufficient Goods and Chattels whereupon such Penalty, Forfeiture,
 25 or Sum of Money could be levied if a Warrant of Distress should be issued, it shall be lawful for the Justice, by Warrant under his Hand, to commit such Party to the Common Gaol, there to remain for any Time not more than *Two* Calendar Months, where the Sum to be paid shall not exceed Five Pounds, and not more than *Three* Calendar
 30 Months in any Case, the Imprisonment to cease on Payment of the Sum due.

When
 Penalty not
 paid, Power
 to commit.

CLXII. It shall be lawful for any of the said Divisional Justices, if he shall think fit, to order that any Fine, Compensation, or other Sum awarded under the Provisions of this Act shall be paid either forth-
 35 with or at such Time or Times as he shall direct, and where such Sum shall not be a Fine for an Offence, that same shall be paid either in One Sum or by Instalments.

Justices may
 fix Time for
 Payment,
 and allow
 Payment by
 Instalments.

CLXIII. Provided always, That it shall be lawful to and for any such Divisional Justice, if he shall think fit so to do, to require any
 40 such Person against whom such Order shall be so made to enter into a Recognizance, with or without Sureties conditioned for the Payment of such Portions or Instalments, at such appointed Times and Periods, to such Constable or other Person as shall be empowered by the said

Justice em-
 powered to
 receive
 Recogni-
 zances for
 Payment of
 Instalments.

Penalties.

Commissioner to receive the same; and such Justice is hereby empowered in default of the Payment of such Sum, or in default of the Payment of any such Instalment, or upon Proof upon Oath being made before him that such Person is about to abscond, to levy the Amount then due upon such Recognizance, together with the Costs of 5 such Levy, by Warrant under his Hand and Seal, or to issue his Warrant for the Apprehension of such Person, and to order such Person to be imprisoned for a Term not longer than such Period as the said Justice was by Law authorized to adjudge at the Time of the Hearing of the original Complaint on which such Sum was awarded 10 and ordered to be paid; and the Payment of any such Portion or Instalment shall not be held or considered to invalidate or impair the Power of such Justice to enforce Payment of any Money remaining due on any such Award or Order.

All Fines and Penalties recoverable before Divisional Justice, to be paid to the Receiver of the Police. 2 & 3 Vict. s. 11. c. 78.

CLXIV. All Fines, Penalties, or Forfeitures, or Shares of Fines, 15 Penalties, or Forfeitures, by any Law now in force or hereafter to be made payable to the Crown, or to any Person (other than the Informer who shall sue for the same, or the Party aggrieved), and which shall be recoverable by or before any of the Divisional Justices, shall be adjudged to, accounted for, and paid into the Hands of the Receiver 20 of the Police District of Dublin Metropolis, to be applied by the said Receiver towards defraying the Expenses of the Police Establishment of the said District, anything in any other Act contained to the contrary thereof notwithstanding.

Distribution of Penalties. 1 & 2 W. 4. c. 22. s. 71.

CLXV. All pecuniary Penalties which shall be recovered before 25 any Justice under this Act, for the Application of which no Provision is made in this or any other Act, shall respectively be divided and distributed in manner following; (that is to say,) *one Moiety* thereof to the Receiver, to be placed by him to the Account of the Public Monies of the Police District, and to be applied accordingly, and the 30 *other Moiety* thereof to the Person who shall give Information of the Offence and prosecute the Offender: Provided nevertheless, that in case the Person who shall so give Information and prosecute shall be at the Time of the Commission of the Offence or of the Hearing of the Complaint employed in the Dublin Metropolitan Police Service, the 35 whole Penalty so forfeited shall be paid to Receiver for the Purposes aforesaid.

Conviction, Appeal, &c.

Conviction not to be quashed for Want of Form or removable. 6 & 7 W. 4. c. 29. s. 41.

CLXVI. No Conviction had or made by or before any such Divisional Justice shall be quashed or set aside or adjudged void or insufficient for Want of Form, nor shall the same be removed by 40 Certiorari into Her Majesty's Court of Queen's Bench.

CXLVII. In

CLXVII. In all Cases of summary Jurisdiction, whenever an Order shall be made upon the Conviction of any Person for an Offence, the Divisional Justice shall issue the proper Warrant for its Execution forthwith, when the Imprisonment is to take place immediately or at the Time fixed by the Order for the Imprisonment to take place where it is not to be immediate, or directly upon the Nonpayment of any penal Sum or the Nonperformance of any Condition at the Time and in the Manner fixed by the Order for that Purpose for the Imprisonment, Payment, or Performance of a Condition, as the Case may be, unless the Imprisonment or penal Sum shall have been remitted by the Crown or other competent Authority in the Interval.

Conviction, Appeal, &c.

In Offence Cases Warrant to issue peremptorily. 14 & 15 Vict. c. 93. s. 23. "Petty Sessions Act, Ireland."

CLXVIII. Whenever an Order shall be made in any Case of a Civil Nature and the same shall not be obeyed, the Justice shall issue the proper Warrant for its Execution at any Time after the Time fixed for Compliance with its Directions, where required so to do by the Person in whose Favour such Order shall have been made, or by some Person on his Behalf.

In civil Cases Warrants to issue on Application of Party;

CLXIX. In every Case where the Party being entitled to appear against any Order shall have duly given Notice thereof and entered into a Recognizance to prosecute the same in the Manner herein-after provided, it shall not be lawful for any Justice to issue any Warrant to execute the said Order until such Appeal shall have been decided, or until the Appellant shall have failed to perform the Condition of such Recognizance, as the Case may be (except where any Act shall expressly authorize or direct the Levy of any Sum to be made notwithstanding the Appeal); and in any Case where any Person shall be in Custody or shall have been committed to Gaol, or any Warrant of Distress shall have been issued or executed under any such Order, the Justice by whom the Warrant shall have been issued shall upon an Application being made to him in that Behalf forthwith order the Discharge of such Person from Custody or from Gaol, or that such Warrant of Distress shall not be executed, or that if executed the Distress shall be returned to the Owner, as the Case may be.

No Execution of Order pending an Appeal; except in certain Cases; or if Warrant issued, not to be executed, or if Party to be discharged or Distress to be returned.

CLXX. In any Case of summary Jurisdiction where an Order shall be made by any Divisional Justice for Payment of any penal or other Sum exceeding Twenty Shillings, or for any Term of Imprisonment exceeding One Month, or for the doing of anything at a greater Expense than Forty Shillings, or for the estreating of any Recognizance to a greater Amount than Twenty Shillings (but in no other Case), either Party (whether he shall be the Complainant or the Defendant) shall be entitled to appeal to the next Quarter Sessions to be held in the County of the City or County of Dublin, as the Case

In what Cases Appeals shall be permitted. 14 & 15 Vict. c. 93. s. 24.

Appeal only to next Quarter Sessions.

*Conviction,
Appeal, &c.*

may be (unless when any such Sessions shall commence within *Seven* Days from the Date of the Order, in which Case the Appeal may be made to the next succeeding Sessions of the County of the City or County of Dublin); and such Appeal shall be subject to the following Provisions:

5

Notice to be
given. 1

The Appellant shall serve Notice in Writing of his Intention to appeal upon the Chief or any other of the Clerks of the Police Court at which such Order shall have been made within *Forty-eight* Hours from the Date of the Order against which the Appeal shall be made:

10

Recogni-
zance to
prosecute
Appeal.
Amount of
Recogni-
zance.

He shall also within *Three Days* after such Notice as aforesaid enter into a Recognizance with Two solvent Sureties, conditioned to prosecute such Appeal, and the Amount of such Recognizance shall be double the Amount of the Sum and Costs ordered to be paid, where Payment only is ordered, or of such reasonable Amount as the Justices shall see fit, where Imprisonment is ordered:

15

Form of
Appeal.

Whenever the Appellant shall have given such Notice and entered into such Recognizance there shall be delivered to him a Certificate of the Order against which he shall appeal (signed by the Justice who shall have made the same); and it shall also be therein certified by any such Clerk that the said Notice was duly given, and that the said Recognizance was duly entered into, if the Fact shall be so:

20

Recogni-
zance to
appeal to be
transmitted
to Clerk of
Peace.

In every Case where an Appeal shall be so made, the said Clerk shall transmit the Recognizance entered into to prosecute such Appeal and all other Proceedings in such Case to the proper Clerk of the Peace at least *Seven* Days before the Commencement of the Sessions to which the Appeal shall be made, or as soon afterwards as may be practicable:

25

Appellant to
give Notice
to opposite
Party.

The Appellant shall give Notice in Writing to the opposite Party of his Intention to prosecute his Appeal at least *Seven* clear Days before the Commencement of the Sessions to which the Appeal shall be made:

30

Court of
Quarter
Sessions (or
Recorder)
may decide
Appeal, and
give Costs
not exceed-
ing 40s.
Clerk of
Peace to
certify
Decision;
or certify
upon and

Whenever an Appeal shall have been so made, and such last-men- tioned Notice shall have been duly given, it shall be lawful for the said Court of Quarter Sessions to entertain the same, and to confirm, vary, or reverse the Order made by the Justices, and to award to either Party any Sum not exceeding *Forty Shillings* for the Costs of such Appeal; and whenever the said Court shall have decided any such Appeal, the Clerk of the Peace shall certify such Decision and return the same and the said Proceedings to the before-mentioned Justice by whom the said Order shall have been made, within *Seven* Days after such Appeal shall have been decided; and whenever any such Appeal shall not

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have

have been duly prosecuted, the Clerk of the Peace shall so certify upon such Recognizance, and return the same to the said Justice within *Seven Days* after the Termination of the Sessions at which such Appeal ought to have been prosecuted, and which Certificate shall be free from any Charge :

Conviction, Appeal, &c.

return Recognizance if Appeal is not prosecuted.

And whenever it shall appear from such Certificate that such Appeal has not been duly prosecuted, or that the original Order has been confirmed upon Appeal, the Justice who shall have made the original Order shall issue the proper Warrant for the Execution of the same, as if no such Appeal had been brought ; and in every Case in which it shall appear from such Certificate that the Court of Appeal shall have varied the original Order, the said Justice shall forthwith issue the proper Warrant for the Execution of the Order so made by the Court of Appeal, in like Manner as he might have issued a Warrant for the Execution of the original Order in case no Appeal had been prosecuted ; and if upon any such Appeal either Party shall be ordered to pay Costs, it shall be lawful for such Justice to enforce Payment of the same, in like Manner as any Costs awarded by the original Order ; and in any Case where an Order by which any Person shall be adjudged to be imprisoned shall be confirmed on Appeal, such Person shall be liable to be imprisoned for the Period adjudged by the original Order, where he shall not have been apprehended under the original Order, or where he shall have so been apprehended and discharged, then for such Period as, together with the Time during which he shall so have been in Custody, shall be equal to the Period adjudged by the original Order :

If Order is not varied on Appeal, Justice shall issue Warrant for Execution of the same.

But where Order is varied Warrant to issue for Execution of Order of Quarter Sessions.

Costs of Appeal how recovered.

Where Party has been imprisoned he is only to be imprisoned for Remainder of Period.

Provided always, that whenever the Party bound by Recognizance to prosecute an Appeal against an Order to imprison shall have absconded, or when the Party bound to prosecute an Appeal against an Order for Payment of any penal or other Sum shall have no Goods whereon to levy the same by Distress, it shall be lawful for the Justice by whom the original Order was made, and after like Proof of Notice to the Parties as in estreating other Recognizances in summary Proceedings, to make an Order for estreating the Recognizance in any such Case to such Amount as he shall see fit, and for paying out of such Amount such Sum as shall have been directed to be paid to any Party by such original Order, and thereupon to issue a Warrant for the Levy of the same upon the Goods of the several Persons bound thereby.

In certain Cases, where Party fails to prosecute Appeal, Justice may estreat Recognizance.

CLXXI. No Warrant of Commitment shall be held void by reason of any Defect therein, provided that it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to

As to Informality in Warrants, &c.

Convictions,
Appeal, &c.
6 & 7 W. 4.
c. 29. s. 41.

sustain the same; and where any Distress shall be made for levying any Money by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party distraining be deemed a Trespasser ab initio on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for any special Damage.

Proceedings
against Per-
sons acting
under this
Act.
5 Vict. c. 24.
s. 75.
Notice of
Action.
Tender of
Amends, &c.

CLXXII. All Actions and Prosecutions to be commenced against any Person other than a Commissioner or Divisional Justice of Police for any Thing done in pursuance of this Act shall be commenced within *Three* Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant *Twenty* clear Days at least before the Commencement of the Action; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant.

When
Actions are
brought
against Con-
stables, they
may justify
under War-
rant.

CLXXIII. When any Action shall be brought against any Constable of Police of said District, for any Act done in obedience to a Warrant addressed to him to be executed, such Constable shall not be responsible for any Irregularity in the issuing of such Warrant, or for any Want of Jurisdiction in the Party issuing the same; and such Constable may justify under such Warrant, and upon producing such Warrant and proving that the Signature thereto is the Handwriting of the Person whose Name shall appear subscribed thereto, and that such Person has acted in the Capacity in virtue of which he may have signed the Warrant, and that the Act or Acts complained of were done in obedience to such Warrant, the Jury who shall try the said Issue shall find a Verdict for such Constable.

Justices,
Constables,
&c., in-
demnified,
though the
Goods shall
appear not
to be stolen,
or Felons,
&c., not in
the Houses.
48 G. 3.
c. 140. s. 47.

CLXXIV. In case Goods or other Things carried and conveyed as herein-before mentioned shall not have been stolen, or in case no Felon or Accessory to Felony, or Receiver of stolen Goods, nor any Goods or Things stolen or feloniously taken or carried away, shall be found in such Dwelling House, Outhouse, Shop, Warehouse, Cellar, Yard, or other Place, and that any Action, Suit, Complaint, or Information against any Person for such apprehending, entering, or breaking shall be commenced within *Six* Months after the Offence committed, any such Person so sued or prosecuted may justify under this Act.

CLXXV. Whereas

Miscellaneous.
Superannuation of Officers who have served in Constabulary and Dublin Metropolitan Police. 10 & 11 Vict. c. 100.

CLXXV. Whereas by an Act of the Tenth and Eleventh Years of Her present Majesty, Chapter One hundred, Provision is made for granting Superannuation Allowances and Gratuities to Magistrates, Officers, Constables, and other Persons, appointed under the Acts relating to the Constabulary Force and under the Acts relating to the Dublin Metropolitan Police Establishment, but the said last-recited Act does not authorize the granting of any Superannuation Allowance or Gratuity for a Period of Service of which Part was under the Acts relating to the Constabulary, and Part under the Acts relating to the Dublin Metropolitan Police: Be it enacted as follows:

In any Case of continuous Service, whereof One Part shall have been performed under the Acts relating to the Constabulary Force, and the other Part under the Acts relating to the Dublin Metropolitan Police Establishment, it shall be lawful for the Commissioners of Her Majesty's Treasury, on the Recommendation of the Lord Lieutenant of Ireland, to grant any Superannuation Allowance or Gratuity not exceeding the Amount which might under the said last-recited Act have been granted by them or by the Lord Lieutenant of Ireland, if the whole of such Service had been performed either under the Acts relating to the Constabulary Force or under the Acts relating to the Dublin Metropolitan Police Establishment, and to charge such Allowance or Gratuity on the Constabulary Superannuation Fund and on the Funds applicable to the Support of the Dublin Metropolitan Police Establishment, in such Proportions, as may appear to them just and equitable:

In the Case of any Person who, after a continuous Service in the Constabulary Force, and afterwards in the Dublin Metropolitan Police Establishment, has been heretofore discharged from the Dublin Metropolitan Police Establishment on Superannuation Allowance or Gratuity, it shall be lawful for the said Commissioners of Her Majesty's Treasury, on the Recommendation of the Lord Lieutenant of Ireland, to grant to such Person an additional Superannuation Allowance or Gratuity, charged on the Constabulary Superannuation Fund, not exceeding the Difference between the Amount which might have been legally granted for his Service in the Dublin Metropolitan Establishment and the Amount which might have been legally granted for the whole Period of his Service in both Establishments if this Act had been in force at the Time of his Discharge.

CLXXVI. In all Cases in which it shall appear to any Divisional Justice, by Information upon Oath, that any Infant under the Age of *Three Years*, hath been discovered by any Constable or other Person at any Place within said District, in an abandoned

Deserted Infants under Three Years of age to be tendered to and maintained

Miscellaneous.
tained by
Poor Law
Guardians.

and deserted State, and that the Person by whom the said Infant had been so abandoned and deserted is unknown, it shall be lawful for the said Justice, by Warrant under his Hand and Seal directed to any of the Constables of the said District, to authorize and direct him to tender the said Infant to the Guardians of the Poor 5 or heir proper Officer in that Behalf, at the Poorhouse of the Union within the District of which such Infant shall have been so discovered, and to require the Person to whom the said Infant shall have been so tendered forthwith to receive the said Infant into the said Workhouse, so as that the said Infant may without Delay be 10 nourished, maintained, and supported from and out of the usual Rates collected for the Maintenance of the Poor; and such Infant shall be received, supported, and maintained accordingly.

How Sum-
mons may be
served.
5 Vict. c. 24.
s. 50.

CLXXVII. Every Summons under this Act may be served by delivering a Copy of the Summons to the Party, or by delivering at 15 his usual Place of Abode or Office or Place of Business a Copy of the Summons to the Wife or Servant, or some Inmate of the Family of the Party, such Servant or Inmate being of the Age of *Sixteen* Years or upwards, and explaining the Purport thereof to such Wife, Servant, or Inmate: Provided always, that every such Summons shall be so 20 served *Twenty-four* Hours at least before the Time appointed for the Hearing of the Complaint or other the Cause of such Summons.

Informer
competent
Witness.
48 G. 3.
s. 119.

CLXXVIII. In all Cases of Complaints or Informations under this Act for any Offence for which any Fine or pecuniary Penalty is to be imposed, the Informer or Prosecutor shall be admitted a competent 25 Witness to prove the Offence; and his Testimony, if believed, shall be sufficient for that Purpose without any other Evidence.

Reputation
to be suffi-
cient Evi-
dence of
Officer's
Authority.
48 G. 3.
c. 140. s. 123.

CLXXIX. If it shall become necessary to prove the Power, Office, Authority, or Appointment of any of the said Commissioners, Divi- 30 sional Justices, or Constables, or of the Receiver, or of any other Officer or Person appointed or acting under or by virtue of this Act as aforesaid, it shall in all Cases be sufficient to all Intents and Purposes, to prove that such Person or Persons at the Time in question was or were commonly known or reputed to hold such Office or Situation 35 respectively; and it shall not in any such Case be necessary to pro- duce or prove any Appointment or Qualification whatsoever of such Person or Persons.

Paying Po-
lice Rate no
Disqualifica-
tion of
Justices.

CLXXX. No Justice of the Peace shall be disabled from acting in the Execution of this Act by reason of his being liable to the Payment of any Money for the Maintenance of the Police under this 40 Act.

CLXXXI. The

CLXXXI. The Sessions of the Peace for the County of the City of Dublin shall not be adjourned for any greater Length of Time than from *Six Weeks* to *Six Weeks*, and it shall be lawful to hold the said Sessions during the Law Terms: Provided, however, that
 5 nothing herein contained shall prevent the holding of the Sessions of Peace for the County of Dublin in the usual Place for holding the same, or shall in anywise affect the Prosecution or Trial of any Person accused of having committed Perjury on any Trial held before a Jury of the County of Dublin, but that all and every the said Matters shall
 10 proceed as if this Act had not passed.

Miscellaneous.
 Sessions of the Peace for Dublin City and County.

CLXXXII. The Commissioners, Divisional Justices, and all other Persons already appointed or hereafter to be appointed under any Act to be passed for the Regulation of the said Police District, shall be and are hereby exempted and disqualified from being returned
 15 to serve or from serving on any Juries or Inquests whatsoever in the County or County of the City of Dublin.

Justices, &c. not to serve on Juries. 1 Vict. c. 25. s. 20.

CLXXXIII. The said Commissioners of the Metropolitan Police shall prepare and adopt Forms of Summonses, Warrants, Convictions, and other Proceedings, which, when so prepared, subject to the
 20 Approval of the Chief or Under Secretary, and adopted, shall be as valid in Law as if specially set forth in this Act.

Forms to be prepared by Commissioners. (But see Petty Sessions Act.)

CLXXXIV. No Misnomer or inaccurate Description in the Schedules to this Act annexed, or in any Order in Council to be made as aforesaid, shall prevent or in anywise affect the Operation thereof, but
 25 this Act and every such Order shall apply and be enforced as fully and effectually to all Intents and Purposes as if the Subject of such Misnomer or Misdescription had been correctly named and described in such Schedule or Order in Council, provided the same be designated to common Intent and Understanding; and provided further that
 30 united Parishes shall for all the Purposes of this Act be deemed to be included under and denoted by the Word "Parish."

Misnomers not to affect the Execution of the Act. 1 Vict. c. 25. s. 3.

CLXXXV. Nothing in this Act contained shall affect the Provisions relating to the Collection of the Police Rates of the Act of the Twelfth and Thirteenth Victoria, Chapter Ninety-one, but the same
 35 shall continue to be collected as if this Act were an Act amending the Act of the Sixth and Seventh William the Fourth, Chapter Twenty-nine.

Act not to affect Police Rates under 12 & 13 Vict. c. 91.

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

ACTS AND PARTS OF ACTS REPEALED.

Date of Act.	Title.	Extent of Repeal.
48th Geo. 3. c. 140. -	An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies, within the District of Dublin Metropolis.	The whole.
5th Geo. 4. c. 102.	An Act to amend an Act of the Forty-eighth Year of the Reign of His late Majesty, for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies, within the District of Dublin Metropolis.	The whole.
6th & 7th Wm. 4. c. 29.	An Act for improving the Police in the District of Dublin Metropolis.	The whole.
7th Wm. 4. & 1st Vict. c. 25	An Act to make more effectual Provisions relating to the Police in the District of Dublin Metropolis.	The whole.
1st & 2d Vict. c. 63. -	An Act to amend the Acts relating to the Police of the District of Dublin Metropolis.	The whole.
2d & 3d Vict. c. 72. -	An Act to make further Provisions relating to the Police in the District of Dublin Metropolis.	The whole.
3d & 4th Vict. c. 103.	An Act to amend an Act of the last Session for making further Provisions relating to the Police in the District of Dublin Metropolis.	The whole.
5th Vict. c. 24. - -	An Act for improving the Dublin Police.	The whole.
11th & 12th Vict. c. 113.	An Act for the further Amendment of the Acts relating to the Dublin Police.	Sections 1, 2, and 3. The Remainder of the said Act having been repealed by 16 & 17 Vict. c. 112, Dublin Carriage Act.

SCHEDULE B.

BOUNDARY OF THE DUBLIN POLICE DISTRICT.

THE Police District of Dublin Metropolis shall be divided into Three Divisions or Districts following; that is to say, the Castle and Kingstown, or Letter A, Division; the B, or College Division; and the C, or Rotunda Division; and that the Limits of the said respective Divisions shall stand and be as follows; that is to say,

A. DIVISION.—That the Castle and Kingstown, or Letter A, Division, shall consist of and have the Bounds following; that is to say, from a Point in the central Line of the River Anna Liffey opposite to the central Line of Eustace Street, in a direct Line to the Centre of the North End of the said Eustace Street, and from thence along the central Line of the said Street, and from thence in a direct Line to the Centre of the North End of Great George's Street South, and from thence along the central Line of Great George's Street South, and so on to and along the central Line and Lines of Aungier Street, Redmond's Hill, Kevin's Port, alias Dale Street, alias Wexford Street, Camden Street, Portobello, and so on along the central Line of the Road to the Centre of Latouche Bridge, and so on and along the central Line of the Road leading from Latouche Bridge through Rathmines to the Byeroad adjoining Willan's Woollen Cloth Mills, and leading to the River Dodder, and along the central Line of the said Byeroad and the Left Bank of the River Dodder to the Junction of the Baronies of Uppercross and Newcastle, near Cypress Grove, and thence along the Boundary Line between the Baronies of Newcastle and Uppercross to the Third Lock, from Dublin on the Grand Canal, near Golden Bridge, thence in a direct Line to the Bridge over the River Anna Liffey and Chapelizod, and from the Point in the central Line of the River Anna Liffey opposite the central Line of Eustace Street, up and along the central Line of the said River to the extreme Limits of the District at Chapelizod; and that the said Division shall also comprise and consist of the several Places situate within the Bounds or Limits following; from the Left Bank of the River Dodder One Furlong Statute Measure from the Right of the Bridge of Donnybrook, running Two Furlongs Statute Measure to the Right of the Line of Road from Dublin to the Seashore at Killiney, by the Line of Road more particularly defined as follows; from the Bridge over the Dodder at Donnybrook, along the Line of Road leading through the Village of Stillorgan, by Galloping Green, to Foxrock; thence by the Cross Road of Dean's Grange, to the Kill of the Grange; from the Kill of the Grange by the Rochestown Road, and the Glengarry or Sallynoggins Road, to Minor's Hill; thence by Bessville, Anglesea, and Coolmeen Road towards Killiney Castle, and by the said Road to the Gate of Mountmalpas; thence by the Southern Wall of the said Mount, or Killiney

1 Vict. c. 25.
s. 1.;
2 & 3 Vict.
c. 78. s. 14.;
3 & 4 Vict.
c. 103. s. 1.
Orders in
Council of
3d April
1838,
13th March
1840,
27th April
1841,
1st May
1850.

Hill, to the nearest Point of the Low-water Mark of the Seashore to the said Southern Wall; thence by the Low-water Mark of the said Shore, viâ Bullock, including the Harbour of Kingstown, till it joins the Boundary of the B, or College Division, at the Lighthouse at the Termination of the South Wall; and that the Boundary from the Bridge over the Dodder at Donnybrook, by the Line of Road above defined, shall be held to include the full Breadth of the said Road, and Two Furlongs Statute Measure to the Right or Exterior of the said Road, and which Furlongs shall be to all Intents and Purposes Part of the said Police District, and subject to the like Rates and Assessments as any Part of the said District is or shall be liable; and that the whole of the said Places so named and defined as aforesaid shall form One Division, to be called the A, or Castle and Kingstown Division, as aforesaid.

B. DIVISION.—That the B, or College Division shall consist of and have the Bounds or Limits following; that is to say, from the Lighthouse at the Termination of the South Wall, and thence by the Low-water Mark to the Sea Beach opposite to the Point where the Barony of Rathdown abuts on the Road leading from Dublin to Blackrock at Old Merrion Burying Ground, along the Boundary Line between the said Barony and the Barony of Dublin, to the Bridge over the Dodder at Donnybrook; thence along the Left Bank of the said River Dodder to the Boundary of the A, or Castle and Kingstown Division, at the Byerod near Willan's Cloth Mills; and the Boundary of the said College Division to the West shall be the same as the Boundary of the said A, or Castle and Kingstown Division, from the said River Dodder by the Byerod aforesaid and Rathmines, as far as the Point in the central Line of the said River Anna Liffey opposite to the central Line of Eustace Street; and from the said Point the Limits of the said B, or College Division, shall be along the central Line of the said River Anna Liffey to the extreme Limits of the C. Division or District, at the Centre of the Line between the Lighthouse at the Termination of the North Wall, and the Lighthouse at the Termination of the South Wall, and from the Centre of the said Line to the said Lighthouse at the Termination of the South Wall aforesaid; and that the whole of the said Places so named and defined as aforesaid shall form One Division, to be called the B, or College Division, as aforesaid.

C. DIVISION.—That the C, or Rotundo Division, shall consist of and have the Bounds or Limits following; that is to say, from the Centre of the Line from the Lighthouse at the Termination of the South Wall to the Lighthouse at the Termination of the North Wall, up and along the central Line of the River Anna Liffey to the Centre of

of the Bridge at Chapelizod, and from the said Bridge along the Left Bank of the said River to the Ferry at the Bottom of Knockmaroon Hill; thence along the Line of Road over Knockmaroon Hill to the Entrance of the Phoenix Park at Knockmaroon Gate; thence by the Wall of the Phoenix Park to Ashtown Lodge, at the Back of the Under Secretary's House; thence by the most direct Road to Longford Bridge on the Royal Canal; thence by the most direct Road to the Tolka River, and by that River to Annesley Bridge; thence by the Sea Line to the Lighthouse on the North Wall, and from thence to the Point on the Centre of the Line between the said Lighthouse at the Termination of the North Wall, and the Lighthouse at the Termination of the South Wall on the Boundary of the B. Division; and that the whole of the said Places so named and defined as aforesaid shall form One Division, to be called the C, or Rotundo Division, as aforesaid.

SCHEDULE C.

TABLE OF FEES RECEIVABLE at the several POLICE COURTS in the POLICE DISTRICT OF DUBLIN METROPOLIS.

	s.	d.
For every Summons - - - - -	1	0
For every Warrant (except Warrant of Distress) - - - - -	1	0
For endorsing every Warrant - - - - -	1	0
For every Warrant of Distress - - - - -	2	0
For every Recognizance to appear - - - - -	2	6
For every Recognizance to abide Trial - - - - -	2	6
For every Recognizance to keep the Peace or be of good Behaviour - - - - -	2	6
For every Affidavit or Declaration, if prepared by Declarant - - - - -	0	6
For every Affidavit or Declaration, if prepared in Office - - - - -	1	0
For every Affidavit or Declaration, if relating to lost Duplicates - - - - -	0	6
For every Affidavit or Declaration, if connected with Matters relating to Public Offices, or Public Departments, or Charitable Purposes - - - - -	0	6
For every Office Seal affixed to any Power of Attorney or other Official Document - - - - -	10	6

Dublin Metropolitan Police.

(Ireland.)

A

B I L L

To amend and consolidate the Acts relating
to the Dublin Metropolitan Police Force.

*(Prepared and brought in by
Mr. Horsman, Sir George Grey, and
Mr. Attorney-General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
21 April 1856.*

[Bill 107.]

Under 11 oz.

Dublin University Bill.

ARRANGEMENT OF CLAUSES.

SECT.

1. Commencement of the Act.
 2. Acts requiring Residence of Law Students in London repealed.
 3. Stamp Duty on Articles of Apprenticeship to an Attorney reduced in case of University Graduates.
 4. University Professorships of Anatomy, Chemistry, and Botany opened to Roman Catholics and Persons not being Graduates in Medicine.
 5. University Professors of Anatomy, Chemistry, and Botany not required to deliver Clinical Lectures.
 6. Foreigners taking Degrees not required to take Oaths of Allegiance or Abjuration.
 7. Delivery of Copyright Books for the College Library.
 8. Drawback on Duties on Paper used for Educational Purposes.
 9. Presentation to Benefices selected by the Archbishops of Armagh and Dublin.
-

23 May 1856. 19 VICT.



A

B I L L

TO

Repeal and amend certain Laws and Statutes
relating to the University of Dublin.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by and with the Authority of the same, as follows :

5 I. This Act shall come into operation on the *First Day of January* Commence-
in the Year of our Lord One thousand eight hundred and fifty-seven. ment of Act.

10 II. And whereas by an Act of the Parliament of Ireland, made in the Second Session of the said Parliament holden in the Thirty-third Year of the Reign of King Henry the Eighth, and Chapter Three, intituled "An Act touching Mispleading and Jeofailes," it is by Section Three of said Act enacted in the Words following ; that is to say, "That no Person or Persons that now is or hereafter shall be
15 "admitted or allowed in any of the King's principal Courts within
"this His Grace's Realm in any Cause or Matter, whatsoever it be,
"or yet to make or exhibit to or in any of the said Four Courts, any
"Declaration or Bill, Plea in Bar, Replication, or Rejoinder, or to give
"Evidence to any Jury, unless it be for the King's Majesty, or to
[Bill 150.] A "argue

Acts requiring Residence of Law Students in London repealed.

33 Hen. 8. stat. 2. c. 3. s. 3.

“ argue any Matter in Law, or yet to do or minister any other Thing
 “ or Things in any of the said Four Courts which customarily hath been
 “ used to be done by One learned or taken to be learned in the King’s
 “ Laws, but such Person and Persons hath or shall be for the same
 “ Act One Time or several Times by the Space of Years 5
 “ complete at the last resiant and demurrant in One of the Inns of
 “ Court within the Realm of England, studying, practising, or endea-
 “ vouring themselves the best Way they can to come to the true
 “ Knowledge and Judgment of the said Laws, upon pain of One hun-
 “ dred Shillings to every Person or Persons offending contrary to the 10
 “ Provisoe last before specified, or anything therein contained :” And
 whereas the Provisions of the said Act were made perpetual by another
 Act of the said Parliament of Ireland, made in the First Session of the
 said Parliament holden in the Eleventh Year of the Reign of Queen
 Elizabeth, and Chapter Five, intituled “ An Act for reviving the 15
 “ Statute against Gray Merchants, the Statute for Servants Wages,
 “ and the Statute for Jeofailes :” And whereas the Provost and Senior
 Fellows of Trinity College, Dublin, have recently increased the Salary
 and Emoluments of the Regius Professor of Feudal and English Law
 in the University of Dublin, and also the Salary and Emoluments of 20
 the Regius Professor of Civil Law in the said University, and have
 enlarged the Course of legal Education to be pursued therein, and
 the Benchers of the Honourable Society of King’s Inns, Dublin,
 have recently established a Professorship of the Law of Personal
 Property Pleading, Practice, and Evidence, and a Professorship of 25
 Constitutional, Criminal, and other Crown Law : And whereas by
 Arrangements entered into between the said Provost and Senior
 Fellows of Trinity College, Dublin, and the Benchers of the said
 Society of King’s Inns, the Lectures and Teaching of the said Four
 Professors are available for the Education of the Students at Law and 30
 the Establishment of a complete School of Law in Ireland, and the
 compulsory Attendance of the Students at One of the Inns of Court
 in London by force of any Statute as aforesaid is inconvenient, and
 calculated to interfere with the Freedom of such Arrangements as
 may from Time to Time be made for the systematic Teaching of the 35
 Professors of the School of Law in Ireland, and the regular Attendance
 of the Students thereat : Be it therefore enacted, That the herein-before
 recited Provision of the said Act of the Thirty-third Year of the
 Reign of King Henry the Eighth, and the Provisions of the said Act
 of the Eleventh Year of the Reign of Queen Elizabeth, so far as the 40
 said last-mentioned Act makes the said recited Provision of the said
 Act of Henry the Eighth perpetual, be and are hereby repealed.

11 Eliz.
 sess. 1. c. 5.

Stamp Duty
 on Articles
 of Appren-

III. And whereas, in consideration of the Learning and Abilities
 requisite for the taking of the Degree of the Bachelor of Arts or
 Bachelor

- Bachelor of Laws in the University of Oxford, the University of Cambridge, the University of Dublin, the University of Durham, the London University, and the Queen's University of Ireland, it is by several Acts of Parliament now in force provided that in the Case of
- 5 any Person who shall first have taken the Degree of Bachelor of Arts or Bachelor of Law in any of the said Universities, and shall in the Manner and upon the Conditions in the said Acts mentioned serve as a Clerk to an Attorney or Solicitor for the Space of Three Years under Articles of Apprenticeship in that Behalf, such Person shall be qualified
- 10 to be admitted as an Attorney or Solicitor, as fully as any Person having been bound and having served Five Years would in other Cases be qualified to be admitted: And whereas it is just and expedient that Persons who have or shall have incurred the Expense of a University Education, and taken such Degree of Bachelor of Arts or
- 15 Bachelor of Laws in any of the said Universities, and who are bound to serve a Clerkship of Three Years only, should not be required to pay the same Amount of Stamp Duty upon such Articles of Apprenticeship as if they had not taken such Degrees, and had been bound to serve a Clerkship of Five Years: Be it therefore enacted, That in the
- 20 Case of any Person who shall have taken or who shall take the Degree of Bachelor of Arts or of Bachelor of Laws in the University of Oxford, the University of Cambridge, the University of Dublin, the University of Durham, the University of London, or in the Queen's University of Ireland, and who at any Time after he shall have taken
- 25 or shall take such Degree shall be bound by Contract in Writing to serve as a Clerk for the Space of Three Years to a practising Attorney or Solicitor, according to the Provisions of the said Act now in force, there shall be paid and payable the Sum of *Seventy-two Pounds* and no more as and for the Stamp Duty on the Articles of Clerkship or
- 30 Contract whereby he shall first become bound to serve as such Clerk, and the said Sum shall be in lieu and stead of the Stamp Duty heretofore in force in respect of the same Subject Matter, and the like Penalties, Forfeitures, and Remedies for the Enforcement and Recovery of the same shall attach upon the said Duty as previously existed in
- 35 respect of this Duty heretofore in force.

- IV. *And whereas by an Act of Parliament of Ireland made in the Fortieth Year of the Reign of King George the Third, Chapter Eighty-four, Section Twenty, it is enacted, that the Professorship of Anatomy and Surgery, the Professorship of Chemistry, and the Professorship of Botany in the University of Dublin, therein called University Professors, should be open to Protestants, provided that such Persons shall have taken Medical Degrees, or shall have obtained a Licence to practise from the College of Physicians, in consequence of a Testimonium under the Seal of Trinity College, Dublin, as by the*
- 40 *University Professors of Anatomy, Chemistry, and Botany opened to Roman Catholics, and to Candidates who are not Graduates in Medicine. 40 G. 3. c. 84. s. 20.*
- [150.] A 2 said

said Act is required; and it is expedient and proper to remove such Limitations: Be it therefore enacted, That the said Professorships shall hereafter be open to such Persons of all Nations as profess their Faith in Christ, and that it shall not be necessary that any Candidate for any of the said Three last-mentioned Professorships in the said University, in order to be eligible thereto, shall have taken a Medical Degree, or shall have obtained a Licence to practise from the said College of Physicians, anything in the said Act to the contrary notwithstanding.

University
Professors
not required
to deliver
Clinical
Lectures.

V. And whereas it was by the said in part recited Act, made in the Fortieth Year of the Reign of King George the Third, and Chapter Eighty-four, required, that the Professor of Anatomy and Surgery, the Professor of Chemistry, and the Professor of Botany in the University of Dublin, and the King's Professors in the City of Dublin on the Foundation of Sir Patrick Dunn, should read and give Clinical Lectures upon the Patients in the Hospital near Dublin called Sir Patrick Dunn's Hospital, during the Space of Three Months, in alternate Succession, or in such Order as they should agree upon among themselves: And whereas it is herein-before provided that the said Professorship shall no longer be limited to Candidates who shall be Physicians: Be it therefore enacted, That the said last-mentioned Provision, so far as it requires the said University Professors to deliver Clinical Lectures, shall be and is hereby repealed, and that the said University Professors or any of them shall not be required to read or give Clinical Lectures in the said Hospital of Sir Patrick Dunn, but such Clinical Lectures shall continue to be delivered by the said King's Professors in the City of Dublin on the Foundation of Sir Patrick Dunn only, at least *Two Days* in each Week during every Session in alternate Succession, or in such Order as shall be agreed upon among themselves.

30

Foreigners
taking
University
Degrees not
required to
take Oaths
of Allegiance
or Abjuration.
33 G. 3. c. 13.
21. s.

VI. And whereas by an Act made in the Parliament of Ireland in the Thirty-third Year of the Reign of King George the Third, and Chapter Twenty-one, it is enacted, that it shall not be necessary for any Person, upon taking any of the Degrees usually conferred by the University of Dublin, to make or subscribe any Declaration or to take any Oath, save the Oaths of Allegiance and Abjuration: And whereas it is unreasonable to require the Subjects of Foreign States to make and subscribe such Declaration, or to take such Oaths of Allegiance and Abjuration, and any such Requirement unnecessarily hinders Foreigners from receiving an Education in the University of Dublin: Be it therefore enacted, That it shall not be necessary for any Person, being a Subject or Citizen of any Foreign Prince or State, and not being a Subject of Her Majesty the Queen or Her Successor

for

for the Time being, in order to entitle him to take any Degree usually conferred in the said University, to make or subscribe any Declaration, or to take any Oath or Affirmation of Allegiance to Her Majesty or to any of Her Successors, or of Abjuration of the Right of any other Person to the Crown of these Realms.

VII. A printed Copy of the whole of every Book, and of every new or subsequent Edition of every Book containing Additions and Alterations, which shall be published on or after the *First Day of January* next after the passing of this Act, together with all Maps and Prints belonging thereto, and upon the Paper of which the largest Number of Copies of such Book or Edition shall be printed for Sale, and in the like Condition as the Copies prepared for Sale by the Publisher thereof respectively, shall, within *One Calendar Month* after the Day on which any such Book or Edition shall first be sold, published, or offered for Sale in the City of Dublin or within the Bills of Mortality of the City of London, or if the same shall be sold, published, or offered for Sale in any other Part of the United Kingdom, within *Three Calendar Months* after such Publication or offering for Sale, or if published or offered for Sale in any other Part of the British Dominions, within *Twelve Calendar Months* after the same shall be first sold, published, or offered for Sale, without any Demand being made for the same, be delivered, for the Use of the Library of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, and on behalf of the Publisher thereof, to the Officer of the Company of Stationers for the Time being appointed by the said Company for the Purpose of receiving Books for Public Libraries, which Copy the said Officer shall and he is hereby required to receive at the Hall of the said Company, for the Use of the said Library, and to give a Receipt in Writing for the same, or it shall be lawful for any such Publisher, if he so think fit, to deliver the Copy of such Book or Edition at the Library of the said College, free of Expenses, to the Librarian or other Person authorized to receive the same, who shall in such Case receive and give a Receipt for the same; and if any Publisher of any such Book or Edition shall neglect to deliver any such Book or Edition, pursuant to this Act, he shall be subject to the like Penalties and Forfeitures as are declared by the Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of the Queen, and Chapter Forty-five, for Default in delivering Copies for the Use of the Libraries mentioned therein, pursuant to the said Act.

Copies of Books published to be delivered within certain Times at Stationers Hall for the Use of the Library of Trinity College, Dublin. 5 & 6 Vict. c. 45. s. 7.

VIII. And whereas by the Provisions of an Act made in the Fifty-eighth Year of the Reign of King George the Third, and Chapter Forty-one, intituled "An Act to amend an Act made in the Fifty-sixth Year of His present Majesty, for regulating and securing the

Drawbacks on Duty on Paper used in printing Educational Works at the Press of

Trinity Col-
lege, Dublin,
&c.
58 G. 3. c. 41.
s. 14.

2 & 3 Vict.
c. 23.

“Collection of the Duties on Paper in Ireland, and to allow a Draw-
back of the Duty on Paper used in printing certain Books at the
Press of Trinity College, Dublin,” it is among other Matters pro-
vided, that a Drawback of Duty should be allowed on Paper used in
the printing of Bibles, Testaments, Psalm Books, and Books of
Common Prayer of the Church of England and Ireland, or in the
printing of any Books in the Latin, Greek, Oriental, or Northern
Languages, at the Press of the College of the Holy and Undivided
Trinity of Queen Elizabeth near Dublin: And whereas by an Act
made in the Session of Parliament holden in the Second and Third
Years of the Reign of the Queen, and Chapter Twenty-three, the
said Privilege or Allowance of Drawback of Duty is continued,
subject to the Provisions in the said last-mentioned Act con-
tained: And whereas it is expedient that the said Privilege or
Allowance by way of Drawback of Excise Duty on Paper should be
extended to Paper which shall be used in printing certain Works and
Papers of an Educational Character, as herein defined: Be it there-
fore enacted, That the Provisions of the said in part recited Acts in
respect to the Allowance to be made by way of Drawback of Duty
on Paper, and the Manner of procuring such Allowance, and the
Conditions upon which the same shall be granted, shall extend to
and include all Paper made and charged with Duty within the United
Kingdom which shall be used in the printing of any Books or Papers
in any Language or Languages whatever printed for the said University,
and intended for and to be used as Class Books, or Papers for the
Purposes of Education in the said University, and which shall be bona
fide printed for that Purpose within or at the Press of the said College
of the Holy and Undivided Trinity of Queen Elizabeth near Dublin,
by Permission of the Provost of the said College for the Time being;
provided said Provost shall, previously to such Allowance, certify in
Writing that such Book or Paper is intended to be for such Use and
Purpose as aforesaid.

Archbishop
of Armagh
and Dublin
empowered
to present a
Fellow or
Graduate
of Trinity
College to
certain
Benefices
selected.
3 & 4 W. 4.
c. 37. s. 34.

IX. And whereas by the Provisions of an Act made in the Session
of Parliament holden in the Third and Fourth Years of the Reign of
King William the Fourth, and Chapter Thirty-seven, it was among
other Matters enacted, that the Archbishop of Armagh and the Arch-
bishop of Dublin should select from and out of the Benefices belong-
ing to each of the Bishoprics to be suppressed by the said Act, and
then in the Gift or Collation of the respective Bishops thereof, One
Benefice not exceeding the annual Value of One thousand Pounds,
and to return a List of the several Benefices so selected to the Lord
Lieutenant of Ireland and His Majesty's Privy Council there, for
their Approval, and that, when approved of by the Lord Lieutenant
and Council, such List should be registered in the Rolls Office of His
Majesty's

- Majesty's Court of Chancery in Ireland, together with such Approval, and that upon each and every Avoidance of the said Benefices so selected happening from Time to Time after the said Bishoprics to which the same may respectively belong should have become
- 5 united to any other Bishopric, by virtue of the said Act, it should be lawful for the said Archbishop of Armagh and Archbishop of Dublin to nominate and present to each such Benefice One of the Fellows or Ex-Fellows of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, being in Holy Orders:
- 10 And whereas the said Provisions have been explained by an Act in the Fourth and Fifth Years of the Reign of King William the Fourth, and Chapter Ninety: And whereas the said Archbishops have, in pursuance of the Powers in that Behalf conferred upon them by the said Provisions, selected certain Benefices for the Purpose
- 15 aforesaid: And whereas it would conduce further to promote the Objects for which the said Rights of Nomination and Presentation were conferred on the said Archbishops if the Limitation in respect to Fellows and Ex-Fellows of the College were removed in certain Cases, and if it were competent to the said Archbishops also to present
- 20 to any such Benefices Graduates of the said College to be recommended by the Provost and Senior Fellows of the said College: Be it therefore enacted, That upon every Avoidance of each and every of the Benefices so selected by the said Archbishops the Archbishops of Armagh and the Archbishops of Dublin may nominate and present
- 25 to each such Benefice One of the Fellows or Ex-Fellows of the said College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, being in Holy Orders, or in case none of the said Fellows or Ex-Fellows shall accept of the same, a Graduate of the said College to be in that Behalf recommended by the Provost and Senior
- 30 Fellows of the said College, and being in Holy Orders, and that every such Right of Nomination and Presentation shall in all other respects whatsoever be subject to the Provisions of the said in part recited Act.
- 4 & 5 W. 4.
c. 90. s. 7.

Dublin University.

A

BILL

To repeal and amend certain Laws and
Statutes relating to the University of
Dublin.

(Prepared and brought in by
Mr. Napier and Mr. George Alexander Hamilton.)

*Ordered, by The House of Commons, to be Printed,
23 May 1856.*

[Bill 150.]

Under 1 cz.



A

B I L L

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for the College of God's Gift in Dulwich in the County of Surrey, with certain Alterations.

WHEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-five, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the College of God's Gift in Dulwich in the County of Surrey, and such Scheme is set out in the Appendix to the said Report: And whereas it is expedient that the said Scheme, as the same, with certain Modifications thereof, is set out in the Schedule to this Act, shall take effect: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble,
3d Report,
28th Feb.
1856.

I. The Scheme set out in the Schedule to this Act shall be established and take effect.

Scheme confirmed.

[Bill 254.]

A

SCHE-

SCHEDULE.

SCHEME for the Application and Management of the Charity called
the COLLEGE OF GOD'S GIFT, in Dulwich, in the County of
Surrey.

GENERAL PROVISIONS.

Present cor-
poration dis-
solved.

1. The existing incorporation of the above-mentioned Charity, by the name of the College of God's Gift, in Dulwich, or by any other name, shall be dissolved; and the several offices and places of the master, warden, and fellows, brothers, and sisters of the said college shall be abolished from and after the 31st December 1856, and no new appointment shall be made to any office or place in or under the Charity according to its present constitution, after the establishment of this scheme.

Archbishop of
Canterbury to
continue
visitor.

2. The Charity, as reconstituted by this scheme, shall be called "Alleyn's College of God's Gift, at Dulwich;" and the Archbishop of Canterbury, and his successors, shall continue to be the visitors of the Charity, with the same authorities, rights, and privileges, as heretofore, so far as the same shall not be inconsistent with this scheme.

Governors.

3. There shall be fifteen governors of the Charity, who shall be called "The Governors of Alleyn's College, at Dulwich," and who shall have the control and management of the Charity, and the estates and property thereof, from and after the said 31st day of December 1856. Four of such governors, hereinafter called "The Elective Governors," shall be elected; and the remaining eleven, or non-elective governors, shall be appointed as herein-after provided.

Elective go-
vernors.

4. One of the said elective governors for the time being shall always be elected by the vestry of each of the parishes of Saint Botolph Without Bishopsgate, Saint Saviour Southwark, Saint Luke Middlesex, and Saint Giles Camberwell, respectively; and the first election shall be made before the expiration of the month of November 1856. And every subsequent election shall be made by the vestry entitled to elect within three calendar months next after the occurrence of the vacancy requiring to be filled. Every elective governor shall be elected to hold office for a period of seven years, and shall be re-eligible at or subsequently to the determination of such period.

Non-elective
governors.

5. The non-elective governors shall be appointed by the Court of Chancery, upon application to be made to the same Court by Her Majesty's Attorney General, either by petition or by summons, before one of the judges of the said Court sitting at chambers. And the first appointment of non-elective governors shall be made as soon as conveniently may be after the establishment of this scheme; and whenever the number of non-elective governors for the time being shall be reduced by the occurrence of vacancies to eight, three suitable persons shall be appointed by the said Court, upon such application as afore-said, so as to make up the full number of eleven non-elective governors.

One of the non-elective governors to be appointed by the Court of Chancery shall be a resident inhabitant of the township or hamlet of Dulwich, and shall

be

be distinguished in his appointment as the "Dulwich Governor." And upon any vacancy in the office of the "Dulwich Governor" for the time being, some other resident inhabitant of the same township or hamlet shall be appointed by the said court to succeed to such vacancy, whether the number of non-elective governors shall then have become reduced to eight or not; but nothing herein contained shall be construed as restraining the appointment of a larger number of non-elective governors from among residents in the said township or hamlet.

6. Death, resignation, bankruptcy, or insolvency, residence out of England, refusal or incapacity to act, or neglect to attend any meeting of the governors for one year, shall respectively create a vacancy in the office of governor.

Vacancy in office of governor.

7. All the real estate, of whatsoever tenure, and rights and privileges vested in or held in trust for the said college, or any of the members thereof, as such (subject to the subsisting leases and charges, if any, thereof,) and the full benefit of all subsisting covenants, conditions, and securities made or entered into, with, or reserved to the said college, or any person or persons in trust for the same college, and all the personal estate belonging to or held in trust for the said college, or any of the members thereof as such, and the right to sue for and recover all choses in action recoverable for the benefit of the college, or any such member as aforesaid, shall, from and after the said 31st day of December 1856, be vested in the said governors, and shall from time to time thereafter vest and continue vested in the governors of Alleyn's College at Dulwich for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance; and the right to sue upon or enforce all or any covenants, conditions, or securities made, reserved, or contracted to or with the said college before its dissolution, or to or with any preceding governors of the said Charity for the benefit thereof, shall be exerciseable by and in the names of the governors for the time being, as fully and effectually as the same right might be exercised by such college if not dissolved, or by such preceding governors, if still retaining their office; and in the same manner all contracts and liabilities of the said college before its dissolution, or of any preceding governors for the time being of the Charity, may be enforced against the governors thereof for the time being, to the extent of the property or assets of the Charity, but not against their private estates.

Charity estates to be vested in governors for the time being.

8. Leases and other deeds and instruments for the letting or disposition of the Charity estate, or any part thereof, may be executed and made by any five of the governors for the time being on behalf and as the act of the whole of them, according to any order of the governors of the said Charity, made at any regular meeting of their body, and shall have the same effect as if executed by all the said governors; and the recital of any such order, contained in any deed or instrument by which any such lease or other disposition shall be effected, shall be *prima facie* evidence thereof upon any proceedings to which the parties to the same lease or instrument, or their respective successors in title, representatives, or assigns, shall be parties or a party.

Execution of leases and other instruments.

9. The governors may from time to time appoint any four persons of their number to be a stock committee, into whose names all stock belonging to the Charity may from time to time be transferred, and the dividends

Stock committee.

on all such stock shall be disposable by the governors for the time being as part of the general income of the Charity. All or any sums of stock belonging to the Charity may also be transferred into the name of "The Official Trustees of Charitable Funds," in trust for the Charity under the provisions of "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855."

Transfer of the
administration
of Charity and
its funds to
governors.

10. The Charity shall continue to be managed and administered by the present governing body of the college until the said 31st day of December 1856 inclusive, and the accounts of the Charity shall be made up and finally balanced to that day. And there shall be paid to the master, warden, fellows, and poor brethren and sisters of the college respectively out of the current year's income a due proportion of the several annual or other payments to which they are respectively entitled under the present system of administration, to be calculated from the then last preceding day of payment up to the said 31st day of December 1856. And any surplus or balance of income which shall remain to the credit of the Charity after providing for and satisfying such proportion of the said several annual payments, and the requisite or proper expenses attending the management and administration of the Charity up to that time, and all trust funds held by the college, or by any of its members as such, in trust for any other charitable purposes, shall be paid and transferred on that day unto the governors to be appointed as provided by this scheme, or as they may direct.

Allowances to
present mem-
bers of college.

11. There shall be paid by the governors to the present master, warden, fellows, and poor brethren and sisters of the college respectively, or to such of them, as shall be living on the said 31st day of December 1856, during their respective lives, out of the income of the Charity, in lieu and full satisfaction of all present and future allowances, rights, and emoluments, the following annual sums; that is to say,—

To the master, the sum of	-	-	-	£1,015
To the warden	-	-	-	855
To the first and second fellows respectively	-	-	-	500
To the third and fourth fellows respectively	-	-	-	466
To each of the poor brethren and sisters	-	-	-	150

The said allowances or annual sums respectively shall commence from the said 31st day of December 1856, and shall be payable half-yearly, except the allowances to the poor brethren and sisters, which shall be paid monthly, or at such other periods as the governors may think fit, and shall be apportionable in cases of the death of any of the said recipients before or in the interval between any of the said half-yearly payments.

The allowance or annual sum payable to the warden shall, in the event of his surviving the master, be increased to 1,015*l.* from the day of the master's decease; but the whole of the said allowances or annual sums shall abate in proportion in case and so often as the clear income of the Charity, after paying and providing for all necessary or proper outgoings and expenses of management, as well as the several payments and expenses directed or authorized by this scheme for the benefit or maintenance of the present poor scholars, and the college grammar school, and the servants and others attached to the present establishment, shall in any year or years prove insufficient to pay the same allowances or annual sums in full.

12. Until

12. Until the appointment of a chaplain as herein-after provided, the present first and other fellows of the said college shall respectively continue as heretofore to perform or provide for the performance of divine service in the chapel of the college, or in some other building to be appointed by the governors for that purpose, and to discharge the other spiritual duties heretofore and of right discharged by them respectively; but, save as aforesaid, the said master, warden, and fellows respectively shall from and after the said 31st day of December 1856 be exonerated from all obligation of residence in the said college, or the performance of any duties with respect to the Charity, and from all restriction against their respective marriages.

Performance of divine service until appointment of chaplain.

13. Until the establishment of a school in which the existing poor scholars shall be received and instructed, as contemplated by this scheme, and subject to the provisions herein contained, such poor scholars shall receive and enjoy the same instruction, maintenance, and other benefits, and shall also be entitled to the same apprenticeships and exhibitions to be respectively provided and paid out of the general income of the Charity, as such scholars respectively would have been entitled to receive and enjoy if this scheme had not been established.

Present poor scholars to receive instruction and other benefits as heretofore.

14. Subject to the provisions of this scheme, and until the governors shall otherwise direct, the college grammar school may continue to be carried on as heretofore in the buildings hitherto used for such school; and the several stipends, allowances, and other payments which have been heretofore paid and allowed out of the income of the Charity for the purposes of such school may continue to be paid and allowed as heretofore; and upon the discontinuance of the said school the governors may, if they so think fit, pay to the master thereof, out of the general income of the Charity, such a reasonable gratuity or pension in consideration of his services as they may consider proper and expedient.

Provision as to college grammar school.

15. The servants and attendants now employed in the college, upon their respective services being dispensed with in consequence of the provisions of this scheme, may respectively have any reasonable pensions or gratuities paid to them by the governors out of the income of the Charity, in such manner and subject to such conditions as the said governors shall think fit.

Present servants and attendants may be pensioned.

16. All pensions and exhibitions, at present properly payable out of the income of the Charity shall continue to be paid to the present recipients thereof respectively during the tenure of their respective appointments, subject to the provisions of this scheme, and to the same rules and conditions as are now subsisting and applicable to the same respectively.

Present pensions and exhibitions to be continued.

17. The governors may appoint a clerk and a receiver (who respectively shall be removable by them at their pleasure), or they may grant the offices of clerk and receiver to one person, and they may pay to the holder of each such office, out of the income of the Charity, any reasonable stipend or allowance as a remuneration for his services. Every receiver shall, before entering upon his office, give such security for the due performance of the duties thereof as the governors shall direct.

Clerk and receiver.

18. It shall be the duty of the clerk, subject to the control and direction of the governors, to give notices of and to attend all meetings of the governors or committees of the governors, to enter and keep minutes of the proceedings

Duties of clerk.

at all such meetings, to keep the accounts, and to pay the bills of the Charity, to prepare and make out such statements of account relating to the Charity as the governors shall from time to time require, and to perform all such other duties appertaining to the office of clerk of the Charity as the governors shall reasonably direct.

Duties of receiver.

19. The receiver, subject to the control and direction of the governors, shall exercise a general supervision over the Charity estates and property and the lessees thereof, and shall collect and receive the rents and income, and shall submit to the governors so often and at such times as shall be directed by them a report as to the state and condition of the Charity estates, and also full and particular accounts of all rents, income, and monies collected or received on account of the Charity, and of all arrears due of such rents or income; and shall perform all such other duties appertaining to the office of receiver, in respect of the Charity and its property, as the governors shall reasonably direct. And unless the governors shall otherwise direct, all rents and incomes to be received by the receiver on account of the Charity shall, immediately upon the receipt thereof, be paid over by him to the bankers of the Charity to the credit of the Charity account.

General meetings.

20. There shall not be less than four meetings of the governors in every year, and such meetings shall be held on the Thursday fortnight after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively, or upon such other days, being respectively within thirty days next after the said quarterly days as shall have been appointed by the governors at any preceding meeting, and the said governors shall have power to appoint all such other meetings as they shall think necessary. All meetings shall be held at the college, and at the hour of noon, unless the governors shall fix some other convenient place in Dulwich, and some other convenient hour for holding the next or any other meeting. There shall also be a first general meeting of the governors, for the general purposes and business of the Charity, on the first day of January 1857.

Special meetings.

21. Any three or more governors may require the clerk to convene a special meeting of the governors for any special object to be mentioned in such requisition, and the clerk shall thereupon give notice to each governor of the holding of such meeting, specifying the time, place, and object thereof; and no business shall be transacted at any special meeting, which shall not be specified or sufficiently indicated in the notice.

Notice of meetings.

22. Notice shall be given by the clerk to every governor seven clear days at the least previously to a general meeting, and fourteen clear days at the least previously to a special meeting; and notice of every adjourned meeting, so far as the interval between the original and adjourned meetings will permit, shall be given in like manner immediately after the adjournment to all governors not present thereat, and every notice shall specify the place and the day and hour appointed for holding the meeting. All notices required to be given to any governor shall be in writing delivered to him, or sent by the post or otherwise to his usual place of residence.

Permanent chairman.

23. There shall be a permanent chairman of the governors, who, whenever present, shall preside as chairman at all meetings of the governors, and who shall hold office until he shall cease to be a governor, or shall resign, or be removed

removed from being such chairman by a resolution passed at any special meeting of the governors to be convened for that purpose. The first permanent chairman shall be elected by the governors at their first meeting; and every subsequent permanent chairman shall be elected at some special meeting of the governors, to be held upon due notice after an interval of not less than twenty-eight days after the vacancy of the office.

24. Five governors shall form a quorum at any meeting; and so soon after the time fixed for the holding of any meeting as a sufficient number of governors shall be present to form a quorum, in case the permanent chairman shall be absent, the governors then present shall proceed to elect a deputy chairman, who, when so elected, shall preside as the chairman at such meeting.

Quorum of governors at meetings.

25. The resolutions and proceedings of a majority of the governors present at any meeting shall be binding on the whole body; and no resolution and proceeding shall be subsequently revoked or altered, except at a special meeting duly convened upon notice for that purpose. The chairman presiding at any meeting shall, in the event of an equality of votes, have in addition to his original vote a second or casting vote.

Resolutions of the majority to be binding.

26. If after the space of one hour from the time appointed for holding any meeting, a sufficient number of governors shall not be in attendance to form a quorum, the permanent chairman, or in his absence any governor then present, or the clerk if no governor be present, may adjourn the meeting to a subsequent day, not less than seven days distant. Any meeting may also be adjourned at any time by the chairman thereof upon a resolution for adjournment being adopted at such meeting.

Adjournment of meetings.

27. The governors may at any time appoint three or more of their body to be a committee for the purpose of making any inquiry or superintending, or performing any specific acts or duties which in their judgment may be more conveniently referred to or delegated to such committee. The acts and proceedings of every such committee shall be reported to the governors from time to time at their next meeting.

Appointment of a committee.

28. The governors shall provide and keep minute books, wherein shall be entered the names of the governors attending each meeting, and minutes of all proceedings thereat, and of all other transactions of the governors relating to the Charity. The minutes of the proceedings at each meeting shall be signed by the chairman of the meeting, and countersigned by the clerk.

Minutes of proceedings.

29. The governors shall provide and cause to be kept proper account books, wherein shall be regularly entered and kept full accounts of all receipts and payments on behalf of the Charity, and such other particulars as the governors shall direct to be entered therein. All such accounts, and all accounts of the clerk and receiver or other agents of the governors, shall be examined, vouched, and audited half-yearly at the first general meeting after Midsummer Day and Christmas Day in every year, or at some adjournment of such meetings respectively, by one or more auditors, to be appointed for that purpose by the governors, and shall be signed by the chairman and two at least of the governors present at such meeting; and a statement or sufficient abstract of such accounts, together with a statement giving the number of the boys of each description at the respective schools, and the number of ex-

Accounts.

hibitioners, and the other recipients of the Charity, shall be printed and delivered annually to each governor, and to the vestry clerk of each of the said four parishes, and to such other persons as the governors shall think fit.

Bankers.

30. The governors shall from time to time appoint and employ bankers to the Charity, or for the purposes thereof; and all payments of money on account of the Charity shall be made, as far as practicable, by means of cheques or orders drawn on such bankers, to be signed at some meeting of the governors by the chairman thereof, and by one at least of the governors present thereat, and to be countersigned by the clerk.

Provision for payment of current expenses.

31. Such monies nevertheless as may from time to time be required for payment of the current expenses of the Charity, may be paid or advanced by the governors for that purpose to such officer of the Charity, and in such manner as they may consider expedient; and every such officer shall render to the governors, or as they shall direct, full and exact accounts of all such monies received or expended by him.

Custody of documents.

32. The governors shall provide some suitable room or place of deposit in the college, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the Charity, with proper lists or schedules thereof; and the contents of such room or place shall be examined by or under the direction of the governors at least once in each year; and such room or place shall be kept locked, and the keys thereof shall be kept in such secure custody, and under such regulations, as the governors shall from time to time prescribe.

Library.

33. The governors shall make suitable provision for the preservation and custody of the library belonging to the college, and shall appropriate annually, out of the income of the Charity, any sum not exceeding 100*l.* for binding, and the purchase of books; and subject to the superior authority and directions of the governors, the master of the college shall have the immediate charge and management of the library, and may establish suitable regulations for access thereto, and for the use of the books by the masters and boys of either school herein-after mentioned, and the officers and members of the establishment, and other persons generally for the management thereof.

Master.

34. The head master for the time being of the upper school herein-after constituted, shall be styled "The Master of Alleyn's College of God's Gift at Dulwich," and shall have the general superintendence and control of the establishment of the Charity, as constituted or contemplated by this scheme, subject to the superior authority and direction of the governors, to whom he shall be responsible for the conduct and discipline of the same.

Chaplain.

35. There shall be one chaplain, to be styled "The Chaplain of Alleyn's College of God's Gift at Dulwich," who shall be a duly qualified person in priests' orders of the Established Church. The chaplain shall be appointed by the governors, who shall also have the power of removing him for neglect of duty, or other sufficient cause. The first appointment of a chaplain shall be made as soon as conveniently may be after the said 31st day of December 1856, and not later than the first general meeting to be held next after the 25th day of March 1857.

36. A suitable residence shall be erected or appropriated, and provided by the governors at the expense of the Charity, for the use of the chaplain, and such residence shall be occupied by the chaplain for the time being and his family rent free, and shall be kept in substantial repair, and all rates and taxes thereon paid by the governors out of the general income of the Charity, and the chaplain shall reside in his official residence, and shall not underlet or part with possession of the same or any part thereof, and he shall not absent himself from residence without the permission of the governors or of the master of the college acting under their authority;'

Chaplain's residence.

37. The chaplain shall perform divine service in the chapel attached to the college upon Sundays, and on such other days and at such time as the governors or the master of the college, with their sanction, shall from time to time direct, and he shall discharge such spiritual duties for the benefit of the several objects of the Charity, as established by this scheme, and the several persons for the time being belonging or attached thereto, as the governors or the master with their sanction shall authorize and direct, and also, so far as may be lawful and convenient, all such spiritual duties for the benefit of the township or hamlet of Dulwich and the inhabitants thereof respectively, as have been heretofore commonly performed by the first or other fellows of the college.

Duties of chaplain.

38. The governors shall pay to the chaplain out of the general income of the Charity by equal half-yearly payments a clear annual stipend not exceeding 300*l.* and not less than 250*l.*

Chaplain's stipend.

39. There shall be an organist for the purposes of the Charity, who shall be appointed by the governors, and shall be removable by them at pleasure, and who shall be paid such a reasonable annual salary out of the income of the Charity as the governors shall appoint, and the duty of the organist shall be subject to the control and direction of the master and the governors, to play the organ and generally to superintend the musical part of the services in the college chapel, and to instruct the boys at the schools herein-after constituted, or such of them as may be selected for that purpose by the master, in vocal music and choral singing. The governors may, if they so think fit, provide an official residence for the organist rent free out of the funds of the Charity.

Organist.

40. The present chapel of the college shall continue to be appropriated and used as a place of divine worship for the purposes of the Charity and its establishment, and also for the inhabitants of the township or hamlet of Dulwich, in the same manner and to the same extent as heretofore; and the governors may, if they think fit, require from any persons frequenting the chapel, and not being members of the Charity or its establishment, the payment of any reasonable sums by way of pew-rent to be applied towards the expenses of such chapel, and the maintenance of the services thereof; provided that no such payment shall be required in respect of any pew or sitting in the chapel which shall have been annexed or appropriated to any house in the township or hamlet of Dulwich under any agreement or resolution of the college during the continuance of the term or period for which such pew or sitting shall have been so annexed or appropriated. In case the present chapel shall at any time hereafter be found insufficient or unsuitable for the purposes

Chapel.

of the Charity, a new chapel in a convenient situation for the objects and purposes of the Charity may be erected and fitted up by the governors upon a plan to be approved by the visitor of the college; provided that in the construction of such new chapel arrangements shall be made for affording to the inhabitants of the township or hamlet of Dulwich an equal extent of accommodation at least to that heretofore enjoyed by them in the present chapel of the college, having regard also to the probable or eventual increase of population in the said township or hamlet.

Provision for raising funds for erecting chapel and chaplain's residence.

41. The funds to be required for erecting, providing, and fitting up the chaplain's residence and the chapel, as contemplated and provided by this scheme, may, if necessary, be raised by the governors by way of mortgage under the provisions of "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855," upon the security of any of the estates of the Charity.

Governors may prescribe rules and regulations.

42. Subject to the provisions of this scheme, the governors may from time to time prescribe such reasonable rules and regulations as they may think expedient for the internal government and conduct of the Charity and the establishment thereof as contemplated by this scheme, and of all officers and persons for the time being attached thereto or employed therein; and all such rules and regulations shall be observed by the persons affected thereby.

Three-fourths of net income to go to educational branch of Charity, and one-fourth to eleemosynary branch.

43. The Charity with respect to its objects shall consist of two branches, hereafter respectively called "the Educational" and "the Eleemosynary" branches; and the surplus annual income of the Charity, which shall remain after providing for and paying thereout the expenses of repairs and insurance, and the salaries of the clerk and receiver, and all other requisite or proper outgoings and expenses of management, as well as the stipend of the chaplain and organist, and the several other payments herein-before authorized or directed to be made, shall be divided by the governors annually into equal fourth parts; and three of such fourth parts shall be placed by them from time to time to the account of "the educational branch" of the Charity, and (subject to the provision next herein-after contained) shall be applied and expended for the purposes thereof as herein-after directed; and the remaining one-fourth part of such surplus income shall be placed by the said governors to the account of the eleemosynary branch of the Charity, and (subject to the said provision next herein-after contained) shall be applied and expended for the purposes thereof as herein-after also directed.

Surplus income of the Charity to be temporarily accumulated.

44. Provided nevertheless, that until the available surplus income of the Charity shall be sufficient for accomplishing the whole purposes hereby provided for with respect to the said educational and eleemosynary branches of the Charity respectively, or for bringing the same into active and complete operation, the amount of such surplus income as aforesaid shall be invested by the governors from time to time in the public funds in the name of the stock committee for the time being, and the dividends thereon shall also be received and invested by them in like manner, so as to form an accumulating fund, which shall be ultimately applicable for such or the like purposes as are hereby declared of the income whence the same shall have arisen, except that if and so far as the governors may from time to time find the income for the time being sufficient for any partial accomplishment of such purposes respectively,

tively, it shall be lawful for them, with the sanction of the Board of Charity Commissioners for England and Wales, to apply the same income, or any part thereof, to such partial purposes.

45. If any doubt or question shall arise amongst the governors or any of them, as to the proper construction or application of any of the provisions of this scheme or the management of the Charity, application may be made by the governors to the Charity Commissioners for England and Wales for their opinion and advice thereon, which opinion and advice, when given, shall be binding on the governors; and any provision in this scheme which shall be found inconvenient or objectionable, or which may require to be explained or more closely adapted to the circumstances for the time being of the Charity, may be modified, explained, and adapted accordingly by an order either of the Court of Chancery or of the Board of Charity Commissioners for England and Wales, to be made upon the application of the governors to the said Court or Board, provided that no alteration shall be made by any such order involving a deviation from the main objects and principles of this scheme.

For explanation and modification of this scheme.

AS TO THE EDUCATIONAL BRANCH OF THE CHARITY.

46. There shall be two schools, viz., an "Upper School," and a "Lower School," which shall be respectively established and maintained in the township or hamlet of Dulwich, out of the proportion of the income and funds of the Charity applicable to the educational branch thereof, subject and according to the provisions of this scheme.

Two schools to be established, an upper school and a lower school.

47. The upper school shall be for the reception and instruction of boys as day scholars and boarders, and may be carried on in the present college buildings, which, for the purposes thereof, may be altered, enlarged, adapted, and fitted up by the governors, or, if necessary, new school buildings, with masters' residences, playgrounds, and appurtenances, may be erected, provided, and fitted up by them, according to any plan which shall be previously approved by the Board of Charity Commissioners for England and Wales.

Upper school.

48. There shall be a head master of the said upper school, to be styled, as aforesaid, "The Master of Alleyn's College of God's Gift at Dulwich," and there shall also be an under master of the same school, and such master and under master respectively shall be appointed by the governors.

Head master and under master.

49. The master of the college, and the under master of the upper school, shall respectively be members of the Church of England, and graduates of one of the Universities of the United Kingdom, duly qualified to discharge the duties contemplated by this scheme; and the governors shall in all cases, previously to appointing any master or under master, advertise for candidates, and require and receive testimonials and other evidence of qualification in such manner as they may deem expedient for securing the services of the most efficient and eligible persons.

Qualification of head and under master.

50. The governors shall pay by equal half-yearly payments, out of the income of the educational branch of the Charity, a fixed annual salary or stipend of 350*l.* to the master of the college, and of 250*l.* to the under master of the upper school, and also, in addition to such fixed salaries or stipends, a half-yearly payment or sum of 30*s.* to the master, and 10*s.* to the under

Salaries of head master and under master.

master, for every boy exceeding the number of fifty, who shall have bona fide attended the said school for a period of not less than three calendar months during the then preceding half year; provided that the maximum sum to be paid out of the income of the Charity in any year under this provision shall not exceed 500*l.* for the master and 300*l.* for the under master.

Assistant
masters and
teachers.

51. The master of the college, with the approbation of the governors, shall be at liberty from time to time to appoint such assistant masters or teachers, and such professors, lecturers, and instructors, as may be requisite and proper for the purposes of the school; and every person so appointed shall hold office during the pleasure of the governors, and shall be paid out of the income of the educational branch of the Charity such a reasonable salary or remuneration as the governors shall appoint.

Qualifications
for admission of
boys to upper
school.

52. All boys between the ages of eight and fifteen years, whose parents or next friends shall be inhabitants of any of the said four parishes of Saint Botolph, Saint Saviour, Saint Luke, and Saint Giles Camberwell, being respectively of good character and conduct, and free from any infectious disease, and able to read and write, shall, to the extent of the accommodation afforded by the said upper school be capable of being admitted thereto, either as day scholars or boarders, and of partaking of the benefits and advantages thereof, subject to the provisions of this scheme, and to such rules and regulations as may be prescribed by the governors consistently therewith; but no boy shall remain in the said school after he shall have attained the age of eighteen years: Subject to such rules and regulations as aforesaid, and subject to the right of preference in favour of boys from the four parishes aforesaid, it shall be lawful for the governors, if they think it expedient, at any time, to order the admission to the said school of boys from other parishes also, provided that the accommodation afforded by the school buildings and the funds of the Charity shall be sufficient for that purpose.

Applications
for admission to
upper school.

53. Every application for admission to the upper school, either as a day scholar or boarder, shall be made in writing to the master of the college, in whom the power of admitting or rejecting applicants shall be vested in the first instance, subject to the revision and control of the governors in each case, and such applications shall be made in such form, and shall be accompanied by such testimonials and evidence of qualification, as the said master, with the sanction of the governors, shall from time to time require; and registers of the applications for admission, and also of the boys admitted to the school, specifying the respective dates of such applications and admissions respectively, and the residences of the boys, and such other particulars as the governors may direct or sanction, shall be kept by the said master, and shall be accessible to every governor.

Boarders.

54. The boys to be received in the upper school as boarders shall be lodged and boarded as herein-after directed in some part of the school buildings, to be provided and fitted up by the governors for that purpose, in accordance with the provisions herein-after contained in that behalf; and the number of boarders shall be determined and fixed by the governors from time to time, as the governors shall judge expedient; but the number of such boarders for whom accommodation shall be so provided by the governors in the first instance shall not exceed sixty.

55. Each

55. Each boarder at the upper school shall pay to the governors for his lodging and board (including washing and all other necessary expenses), half-yearly in advance, such a sum as the governors shall consider sufficient to cover the expense of providing such lodging and board, and as shall be fixed by them from time to time, upon taking into account the ascertained and probable amount of such expense, and allowing a reasonable sum for wear and tear of furniture and repairs, and the expenses incident to the support of the boarding establishment, and other contingencies.

Payments to be made by boarders.

56. Any of the day boys attending the upper school may, with the consent of the governors, be admitted as day boarders upon the payment of such proportion of the amount required from the full boarders, or such other sums as the governors shall from time to time direct, and subject to such other reasonable regulations as they may prescribe.

Day boys may be partially boarded.

57. There shall be so many foundation scholars in the upper school, not exceeding the number of 24 at one time, as shall be fixed and determined from time to time by the governors, having regard to the amount of the income and resources of the educational branch of the Charity and the extent of accommodation afforded by the buildings, and the said foundation scholars shall be appointed in manner herein-after mentioned, and shall hold their respective appointments during such periods and subject to such regulations and conditions as the governors may from time to time prescribe.

Foundation scholars at upper school.

58. All boys belonging to any of the four parishes, either from the upper school or the lower school hereafter constituted, between the ages of 12 and 15 years, may offer themselves as candidates for appointment as foundation scholars, subject and according to such regulations as the governors may from time to time prescribe; and the said foundation scholars shall be elected and appointed by the governors from time to time from the candidates who shall be reported to them by the master of the college to be the most deserving, having regard to the examinations passed by such candidates respectively at the annual examinations herein-after directed to be held of the said schools, and to their respective characters and conduct.

Election of foundation scholars.

59. Subject to such regulations as shall from time to time be established or approved by the governors, the foundation scholars in the upper school shall during their continuance at the same school be lodged, clothed, educated, and maintained in all respects at the entire expense of the Charity, and the governors may, if they think fit, direct that such scholars shall wear a suitable cap or other mark of distinction. The said foundation scholars shall be lodged and boarded in common with the boarders at the said upper school, and subject to similar regulations in all respects as regards their respective discipline and conduct.

Foundation scholars to be clothed and maintained at the expense of the Charity.

60. The master of the college and the second master of the upper school shall not be at liberty to receive and board any private pupils in their respective residences.

Head master and second master not at liberty to receive and board any private pupils.

61. The governors shall have the power of dismissing and expelling any boy from the upper school for any immorality, insubordination, misconduct, or other sufficient cause; and the master may immediately suspend any boy

Suspension and expulsion of boys.

guilty of any such misconduct from further attendance at the school until the case can be reported to the governors and decided upon by them.

Capitation fees.

62. An annual sum or capitation fee to be fixed and determined from time to time by the governors shall be paid by every boy attending the upper school, with the exception of the foundation scholars, according to the following scale; viz:—

For every boy under the age of fourteen years:

If belonging to any of the four parishes aforesaid, 6*l*.

If not belonging to any of the same parishes, 8*l*.

For every boy above the age of fourteen years:

If belonging to any of the four parishes aforesaid, 8*l*.

If not belonging to any of the same parishes, 10*l*.

And all such capitation fees shall be paid in advance to the governors, or to such person as they may appoint to receive the same, in such half-yearly or other payments and at such times as the governors may direct; and the governors shall be at liberty in any special cases to vary the sum to be paid by any boy, or to remit the same either partially or entirely as a reward of his superior merit, or on the ground of the greater poverty of his parents or next friends.

Application of capitation fees.

63. The annual amount of the capitation fees to be received from the boys as aforesaid shall be paid and applied by the governors as follows, viz., one moiety thereof shall be paid half-yearly to the master of the college, and one-fourth part thereof shall be paid half-yearly to the under master of the upper school, in augmentation of their respective stipends, and the remaining one-fourth part thereof shall be applicable to the general purposes of the said school.

Instruction in upper school.

64. The instruction to be afforded in the upper school shall comprise, as far as may be—

The Principles of the Christian Religion and the Reading and Study of the Holy Scriptures;

English Literature and Composition;

The Greek, Latin, and modern Languages, and Literature;

History and Geography;

Writing and Vocal Music;

Mathematics, Algebra, Arithmetic, and Book-keeping;

Drawing and Designing, Practical Geometry and Mensuration, and the Principles of Civil Engineering;

Physics, Mechanics, Chemistry, and the Natural Sciences, especially with their applications to the Industrial and Practical Arts;

And generally such subjects as the governors shall from time to time prescribe for affording to the scholars a sound religious, moral, and useful education.

For the purposes of these several branches of instruction, the upper school may be divided into such departments or sections as the governors, or the master with their sanction, shall from time to time determine, and the buildings to be provided for or appropriated to the objects of the same school, and the fittings thereof respectively, shall be adapted to the same purposes accordingly.

The

1. The governors may also, out of the funds applicable to the educational branch of the Charity, from time to time provide such instruments, models, drawings, apparatus, and other requisites, and may employ either temporarily or otherwise such lecturers, professors, or teachers, as they shall think proper, and as the said funds shall be sufficient to provide for advancing or rendering more effective the instruction to be so given.

65. The course of instruction to be adopted in the upper school, and the hours of attendance, and the discipline and internal conduct and management thereof, and the holidays and vacations to be allowed therein, shall be under the direction and control of the master of the college, subject to such rules and regulations as the governors may from time to time approve.

Discipline of school.

66. There shall be an annual examination of the boys at the upper school at such time as shall be appointed by the governors, who shall appoint one or more suitable examiners, being respectively graduates of one of the Universities of the United Kingdom, to conduct such examination, and may pay such examiners respectively any reasonable sum for their trouble and expenses; and such examination shall take place in the presence of the governors, and of the master of the college, and the under master of the school, or such of them as can conveniently attend, and the churchwardens of the said four parishes, and such other persons as the governors or the master may think fit, shall be invited to attend the same; and suitable prizes may be provided and distributed by the governors upon every such examination to the boys who shall be reported to them by the master of the college as deserving the same.

Annual examination.

67. Whenever the income and resources of the educational branch of the Charity shall, in the judgment of the governors, permit, it shall be lawful for the governors to establish and pay out of such income any number of exhibitions or scholarships, not exceeding eight in the whole, and not exceeding the amount of one hundred pounds per annum each; and such exhibitions or scholarships, when vacant, shall be open to the competition of all the boys at the upper school at the annual examination aforesaid, and may be awarded by the governors to the boys who shall appear to be most deserving thereof, having regard to the result of the said examination, and to the general character and conduct of such boys respectively, according to the master's report thereof to the governors.

Not more than eight exhibitions of 100*l.* each.

68. Each exhibition or scholarship shall be tenable for five years, or for any less period, to be determined by the governors; provided that the holder shall during his tenure thereof continue to be resident at one of the English Universities, or to be a bonâ fide student of some learned or scientific profession or of the fine arts, with a view to the professional practice thereof, and shall continue to conduct himself with propriety and to the satisfaction of the governors.

Exhibitions tenable for five years.

69. The lower school shall be for the instruction and benefit of boys as foundation scholars and day boys, and shall be established and carried on in suitable buildings and premises, to be constructed or provided and fitted up for that purpose by the governors in Dulwich, according to a plan to be previously approved by the Board of Charity Commissioners for England and Wales; and the buildings of the present college grammar school may, if

Lower school.

thought expedient, and subject to the like approval, be appropriated and altered, enlarged and fitted up, by the governors for the purpose of the said lower school.

Master of the lower school.

70. There shall be a master of the lower school to be appointed by the governors, who shall be a member of the Church of England, duly qualified to discharge the duties contemplated by this scheme; and the governors, previously to appointing any such master, shall advertise for candidates, and receive such testimonials and evidence of qualification as they may deem expedient for securing the services of the most efficient and eligible master.

Stipend to master of the lower school.

71. The master of the lower school shall be paid by the governors by half-yearly payments out of the income of the educational branch of the Charity a fixed annual stipend of 200*l.*, and also an additional half-yearly sum of 20*s.* for every boy exceeding the number of fifty who shall have bonâ fide attended the same school for a period of not less than three calendar months during the then preceding half-year: Provided that the maximum sum to be paid to the master of the lower school in any one year under this provision shall not exceed 350*l.*

Assistant masters or teachers.

72. The governors, upon the recommendation of the master of the college, may from time to time appoint such and so many persons as assistant masters, teachers, and instructors for the purposes of the lower school as in their opinion may be requisite or proper, having regard to the requirements of the same school, and the income and resources of the educational branch of the Charity; and every such person may be paid by the governors such a reasonable salary or remuneration as the governors may think proper, and every person to be so appointed shall hold office during the pleasure of the governors.

Foundation scholars at lower school.

73. There shall be so many "foundation scholars" in the lower school, not exceeding the number of seventy at one time, as shall be fixed and determined from time to time by the governors, having regard to the extent of the accommodation afforded by the buildings, and the amount of the income and resources for the time being of the educational branch of the Charity.

Qualification of foundation scholars.

74. The foundation scholars at the lower school shall be appointed by the governors, and boys between the ages of eight and twelve years, of good character, free from infectious disease, and able to read and write, and being the children of poor deserving parents resident in any of the said several parishes of St. Botolph, St. Saviour, St. Luke, and St. Giles Camberwell, shall be eligible to be so appointed, but so that an equal number of the said foundation scholars shall be taken from each of the said three parishes of St. Botolph, St. Saviour, and St. Luke respectively, and that the number of such scholars taken from each of the three last-mentioned parishes respectively shall always be double the number taken from the parish of St. Giles Camberwell. The age up to which the foundation scholars may remain in the lower school may be fixed and determined from time to time by the governors, provided that no boy shall be allowed to remain as a foundation scholar in the same school after the age of eighteen years.

Election of foundation scholars.

75. The foundation scholars at the lower school shall be elected from time to time from amongst boys duly qualified as aforesaid, upon an examination and inquiry to be instituted by the governors, or by a committee of not less than

than three of their number, to be appointed for that purpose ; and every such election shall be held either at Dulwich or at the respective parishes from which the scholars are to be elected, and shall take place at such times and be subject to such rules and regulations as may be prescribed by the said governors ; and previously to every such election sufficient notice shall be given by the governors in such of the said parishes as may be interested therein, and in any manner and form which the governors may consider best calculated to ensure publicity, specifying the number of vacancies to be filled up, and the qualifications required from candidates, and the time and place at which the election will take place ; and in making every such election the merits, qualifications, and claims of the candidates, in regard to their respective proficiency, abilities, and general character, and the circumstances and character of their respective parents, shall be taken into due consideration by the governors.

76. The governors may appoint any fit and proper person to examine the candidates at every such election, and may pay to such person out of the funds of the Charity any reasonable remuneration for his trouble and expenses, or they may authorize the master of the lower school, or the master of the college, or the under master of the upper school to act as the examiner upon any such occasion gratuitously ; and so far as conveniently may be, and subject to such regulations as the governors may prescribe, every such examination may be attended by all parishioners of the parish for which the election in question shall be held, and by any other persons whom the said governors may think fit or expedient to admit to attend the same.

Examination of candidates.

77. The foundation scholars at the lower school shall be lodged and boarded in suitable buildings attached to the same school, to be provided and fitted up by the governors for that purpose, and shall also be clothed, maintained, and educated at the same school, at the entire expense of the Charity, in accordance with such rules and regulations as may be prescribed by the governors in that behalf.

Foundation scholars to be clothed, educated, and maintained at expense of Charity.

78. Subject to the regulation and control of the governors, and to the extent of accommodation afforded by the school, all boys between the ages of eight and sixteen years, the children of the industrial or poorer classes resident in any of the four parishes aforesaid, being respectively of good character and able to read and write, and not suffering from any infectious disorder, shall be admissible to the lower school as day boys ; but no such boy shall remain at the school after the age of eighteen years.

Day boys at lower school.

79. Every application for admission as a day boy to the lower school shall be made to the master of the same school, who shall keep a register of all such applications and of the boys admitted to the school, which register shall always be open to the inspection of every governor and of the master of the college.

Applications for admission as day boys.

80. A capitation fee to be fixed by the governors from time to time, but not exceeding 5s. a quarter for each boy under fourteen years of age, and 10s. a quarter for each boy above that age, shall be paid by the parents or friends of every day boy attending the lower school to the governors, or to any person appointed by them to receive the same ; but the governors may in particular

Capitation fees.

cases, if they see fit, as a reward of superior merit, or on the ground of the poverty of any boy or his friends, or for sufficient special reasons, excuse the payment of such capitation fees either wholly or in part. All such capitation fees shall be paid in advance quarterly, or at such other times as the governors may direct, and shall be paid and applied by the governors as follows, viz., one moiety of the amount thereof shall be paid half-yearly to the master of the lower school in augmentation of his stipend, and the remaining moiety shall be applied towards increasing the stipend or remuneration of the assistant master or teachers of the said school respectively (if any), or for the general purposes of the same school, as the governors in their discretion shall think fit.

Provision for
partially board-
ing day boys.

81. Any of the day boys attending the lower school may, with the consent of the governors, be admitted as day boarders, and may thereupon be boarded with the foundation scholars of the same school upon the payment of such a sum for defraying the expense as the governors may from time to time direct, and subject to such other reasonable regulations as they may prescribe.

Instruction in
lower school.

82. The instruction to be given in the lower school shall comprise, as far as may be—

The Principles of the Christian Religion, and the Reading and Study of the Holy Scriptures ;
Spelling, Reading, and Writing ;
English Grammar and Composition, and the Latin and modern Languages ;
General History and Geography ;
Vocal Music ;
Arithmetic, Algebra, Mathematics, and the Elements of Practical Geometry and of Mensuration ;
Elementary Instruction in the Laws of Physics, Mechanics, Chemistry, and the Natural Sciences ;
Elementary Freehand and Mechanical Drawing.

The instruction in these subjects will bear especially on their application to the Industrial Arts, and to them may be added such subjects as the governors shall from time to time prescribe for affording to the scholars a sound religious, moral, and useful education, adapted to their probable occupations or stations in life.

For the purposes aforesaid, the lower school may be divided into such departments or sections as the governors, or the master with their sanction, shall from time to time determine, and the buildings to be provided for or appropriated to the objects of the same school, and the fittings thereof shall be adapted to the same several purposes accordingly.

The governors may, also from time to time, for the benefit of the lower school, make any such provision for promoting or rendering more effectual the instruction to be given therein, and particularly in any branches of physical or mechanical science as are authorized to be made by them for the benefit of the upper school for the like purposes, so far as in their judgment such provision shall be required, and the funds of the educational branch of the Charity properly applicable to this purpose will permit.

83. The boys at the lower school shall be liable to dismissal and expulsion by the governors for any breach of the rules of the school, or for theft, immorality, insubordination, or misconduct, or other sufficient cause. And upon the occurrence of any such offence or occasion, the master of the same school shall report the same to the master of the college, who shall have power to inquire into the same, and if he shall so think fit to suspend the offender from further attendance at the school, until the case shall have been reported by him to the governors, and decided upon by them.

Suspension and expulsion of boys.

84. The discipline and course of instruction to be adopted at the lower school, and the internal regulation and management thereof, shall be committed to the master of the same school, subject, nevertheless, to the general superintendence and direction of the master of the college, who shall be at liberty at all times to visit and inquire into the state and condition of the said lower school, and shall, at least once in each year, make a report thereon to the governors, and subject also to the orders and regulations of the governors.

Provision for the general superintendence and discipline of lower school.

85. There shall be an annual examination of the boys at the lower school at such time as shall be appointed by the governors, who shall appoint some fit and proper examiner to conduct such examination, and may pay to him any reasonable remuneration for his trouble and expenses; and such examination shall take place in the presence of the governors, and of the masters of the upper and lower schools, or such of them as can conveniently attend, and the churchwardens of the said four parishes, and such other persons as the governors, or the master of the college may from time to time think fit, shall be invited to attend the same. With the approbation of the governors, either the master of the college or the second master of the upper school may act as the examiner at any such annual examination gratuitously.

Annual examination.

86. The governors may yearly, upon the occasion of such examination as last aforesaid, distribute suitable prizes, to be provided out of the income and funds of the educational branch of the Charity, among the boys who shall be found to be most deserving thereof, having regard to the results of the said examination and to the general character and conduct of such boys, according to a report thereof to be made to the governors by the master of the college in concurrence with the master of the lower school; and the governors may also yearly, upon the occasion of such annual examination, award and pay out of the same income and funds, to or for the benefit of a limited number of such boys as last aforesaid who shall be then leaving the school (but not exceeding the number of six in the whole during any one year), a gratuity or sum not exceeding 40*l.* in each case for the purpose of apprenticing or advancing such boys respectively in the world in such manner and subject to such conditions and regulations as the governors may prescribe.

Prizes and apprenticing gifts.

87. Whenever the income and resources of the educational branch of the Charity shall in the judgment of the governors permit, any number of exhibitions or scholarships, not exceeding twelve in the whole, and not exceeding the amount of 40*l.* per annum each, may be awarded and paid by the said governors out of such income to or for the benefit of such boys as herein-after mentioned upon their leaving the lower school, and any such exhibition or scholarship shall be tenable by the boy to whom it shall be so awarded for a period not exceeding four years from the time of his leaving the school,

Exhibitions or scholarships for the lower school.

provided that he shall continue to conduct himself with propriety and to the satisfaction of the governors; but no more than three such exhibitions or scholarships shall be awarded or filled up in any one year.

Competition
for such exhi-
bitions.

88. The said exhibitions or scholarships to the extent of the disposable vacancies for the time being therein shall be open to the competition of all boys at the lower school (as well foundation scholars as day boys) of the age of sixteen years and upwards at the annual examination for the same schools, and shall be awarded by the governors to the boys who shall be found to be most deserving thereof, having regard to the result of the said examination, and to the general character and conduct of the boys, according to a report to be made to the governors by the master of the college in concurrence with the master of the lower school; but no boy shall be entitled to or receive any such exhibition or scholarship in addition to a gratuity for his apprenticeship or advancement as aforesaid.

Masters to re-
side in and not
to underlet
their resi-
dences.

89. Suitable residences, with all proper fittings and appurtenances, shall be provided by the governors for the persons holding the respective offices of master of the college and under master and master of the said upper and lower schools, and the same persons respectively shall reside in their respective official residences rent-free, and shall have the occupation and use thereof in respect of their official character and duties, and not as tenants, and shall, if removed from office, deliver up possession of their said respective residences at such time and to such person as the governors may require or direct; and no master shall underlet or permit any person, except himself and his family and the pupils (if any) to be taken by him under this scheme, to occupy his official residence or any part thereof. The said official residences, with their respective appurtenances, shall be kept in proper repair, and all rates and taxes thereon shall be paid by the governors out of the income of the Charity.

Masters not to
have other
employments.

90. The master of the college and the under master and master of the said upper and lower schools respectively shall give their whole time and personal attention to the duties of their respective offices, and shall not respectively during their respective tenure of office accept or hold any benefice having the cure of souls, or any office or appointment which in the opinion of the governors may interfere with the proper performance of their respective duties under this scheme.

Declaration to
be signed by
masters on
entering into
office.

91. The master of the college and the under master and master of the said upper and lower schools respectively, previously to entering into office under the provisions of this scheme, shall respectively sign a declaration to be entered in the minute book of the governors, which may be in the following form, or as near thereto as conveniently may be, *i.e.* :—

“ I, _____ declare, That I will always to the best
“ of my ability discharge the duties of _____ during my tenure
“ of that office according to the provisions of the scheme for the regulation of
“ Allyn's College of God's Gift at Dulwich, and that in case I shall be
“ removed from my office by the governors according to the provisions of the
“ same scheme, I will acquiesce in such removal, and will thereupon relinquish
“ all claim to such office and its future emoluments, and upon any such
“ removal, or upon any avoidance of my office, possession of my official resi-
“ dence with its appurtenances may be forthwith taken by the governors, or
“ any person appointed by them to take possession of the same.”

92. The master of the college, and the under master of the upper school, and the master of the lower school respectively, shall be liable to be removed from their respective offices by the resolution of the governors present at a special meeting, to be called for the express purpose of considering the expediency of such removal upon a requisition of at least three governors, provided that the resolution for such removal shall be carried at such meeting by at least two-thirds of the governors present, and that the number of governors voting for the removal shall not be less than seven, and provided that the notice of meeting shall in this special case have been given to every governor by the space of at least one calendar month previously to the holding thereof, and that notice thereof shall have been also given in like manner by the same space previously to the master whose removal shall be proposed, and that such resolution shall be entered on the minutes and signed by the governors voting for the same.

Removal of masters.

93. The master of the college, and the under master of the upper school, and the master of the lower school, shall also respectively be removable by the governors under the provisions of "The Charitable Trusts Act, 1853," and the governors may assign to any master or under master, upon his removal under this or the last foregoing clause, or upon his retirement, such a reasonable annual allowance by way of retiring pension, to be paid out of the income of the educational branch of the charity, as the Board of Charity Commissioners for England and Wales shall sanction.

Removal of head and under masters.

94. Any master of the college, and any under master or master of the said upper and lower schools respectively, who may die, resign, or be removed from office under the provisions of this scheme in the interval between any two half-yearly days of payment, shall respectively be entitled to a due proportion of his salary or stipend, and of the portion of capitation fees, if any, payable to him under the provisions of this scheme from the previous half-yearly day of payment thereof up to the day of his death, resignation, or removal.

Masters's salaries apportionable in case of death, &c.

95. Prayers taken from the Liturgy of the Church of England, or of which the form shall have been approved by the visitor, shall be said daily in each of the said schools when the same shall meet. The religious instruction in both the schools shall be in accordance with the doctrines of the Church of England, and shall be given under the general direction of the master of the college to all boys, except that instruction in the Church Catechism, or in any distinctive doctrines of the Church of England, shall not be given to boys whose parents, or persons standing in loco parentis (being respectively persons not in communion with that church), shall state in writing to the master of the college that they object to such last-mentioned instruction upon conscientious grounds; and all the boys, except those last aforesaid, shall also attend divine service at the chapel of the college on Sundays, and on such other days and at such times as may be directed by the master of the college, subject to the approbation of the governors. The exemption from attending divine service at the chapel of the college on Sundays may also be extended by the governors or the master, if found necessary or convenient, to any day boys attending the schools from other places than Dulwich; but care shall be taken, as far as possible, that all boys who shall, by virtue of the said exception, be exempted from attendance at the said chapel as aforesaid, shall regularly attend some other place of religious public worship on Sundays.

Provision as to Church of England instruction.

Boarding
establishment.

96. There shall be a boarding establishment for the purpose of making convenient provision for lodging and boarding boys at the upper and lower schools respectively as contemplated by this scheme, each such boarding establishment to be under the control of the master resident therein, and a separate account shall be kept by the governors of the receipts and expenses in respect of the boarding establishment, and all payments to be received by the governors for the lodging and boarding of any boys under the provisions of this scheme shall be carried to the credit of the said account.

Manciple for
boarding
establishment.

97. The governors may appoint a manciple or house-steward for the purposes of the boarding establishment hereby contemplated, who shall hold his employment during the pleasure of the governors. The manciple, in addition to his own board and lodging, shall be paid a fixed annual stipend, not exceeding 50*l.*, and also such an annual sum, not exceeding 10*s.*, for every boy at either school who shall actually have been lodged and boarded in the boarding establishment for a period of not less than three calendar months in any year, as the governors may direct, provided that the total annual payment to be made to the manciple shall in no case exceed 150*l.*

Provision for
maintenance of
boarders and
supervision
of boarding
establishment.

98. The buildings for lodging and boarding the boys of the upper school shall be separate and distinct from those for the lower school, and the boys at the one school shall be kept entirely separate and distinct from those at the other, and the dietary and domestic and other arrangements for lodging and boarding the boys at both the said schools shall be suitable for the sons of persons of limited means, with such distinction or difference only (if any) between the two schools as the governors may think fit and expedient. And the master of the college (subject to such general directions and regulations as may be given or made by the governors from time to time in that behalf) shall have and exercise a general control and supervision over the boarding establishment and the arrangements thereof. The governors shall also appoint a committee of their body, who shall, so often as may be requisite, and at least once in each half year, visit and report on the state and condition of the boarding establishment, and the management and arrangements thereof, and the state of the furniture and other property of the establishment.

Cost of
supplies and
provisions for
inmates.

99. Subject to the authority and control of the governors all supplies and articles required for the purposes of the boarding establishment shall be procured and provided from time to time by the manciple under the immediate direction of the master of the college; and the bills for the supplies so provided shall be submitted by the manciple to the clerk for examination and discharge weekly, or at such other convenient intervals as may be directed by the governors; and the cost of all such supplies, as well as the salaries and wages of the manciple and servants, and the other expenses of the boarding establishment shall be paid from time to time, under the direction of the governors, out of the income and funds of the educational branch of the Charity, and shall be charged to the account of the boarding establishment.

Attendants and
servants.

100. The governors may appoint from time to time such attendants and servants as may be found to be required for the purposes of the said respective schools at such reasonable salaries to be paid out of the income of the educational branch of the Charity as the governors may think fit, and may remove any such attendants and servants at pleasure.

101. The

101. The present poor scholars at the college, or such of them (if any) as may retain their respective appointments when this scheme shall come into operation, shall be entitled to be admitted in the first instance as foundation scholars either at the upper or lower schools as the governors may determine and direct in each case.

Present poor scholars to be admitted as foundation scholars.

102. In the appointment or admission of boys from the parish of Camberwell to either of the said schools, under any of the provisions of this scheme, boys being the children of resident inhabitants of the township or hamlet of Dulwich, and being otherwise duly qualified for appointment or admission, shall always be entitled to and have a preference, *cæteris paribus*, over boys being the children of persons resident in any other part of the said parish of Camberwell. Provided nevertheless, that the preference hereby given shall take effect and be acted upon in those cases only where the merits and qualifications of the respective candidates for appointment or admission independently of their place of residence shall be equal in the judgment of the governors, whose decision in case of any dispute or difference as to the application or effect of this provision shall be conclusive upon all parties.

Preference in favour of inhabitants of Dulwich for admission to schools.

103. The cost and expenses of adapting, effecting, providing, and fitting up the buildings, masters' residences, and other premises which may be required for the purposes of the said schools, or either of them, under the provisions of this scheme, as well as of keeping all such buildings, residences, and premises in proper repair and condition, and of providing and keeping up all requisite or proper fittings and apparatus for the purposes of the same schools, or either of them, shall be charged by the governors to the educational branch of the Charity.

Expense of repairing and erecting school buildings charged to educational branch.

104. The schools shall respectively be subject to inspection by Her Majesty's Inspectors of Schools.

Schools to be subject to Her Majesty's Inspectors of Schools.

105. It shall be lawful for the governors from time to time, with the sanction of the Court of Chancery or the Board of Charity Commissioners for England and Wales, to be obtained upon application to such Court or Board, to increase the number of foundation scholars or exhibitioners at or from both or either of the said schools to such an extent as the amount of the income and resources of the educational branch of the Charity for the time being, and other circumstances, may render proper and expedient.

Provision for increase of number of foundation scholars and exhibitioners.

106. The annual surplus income (if any) of the educational branch of the Charity which shall not be applied or required for the purposes herein-before expressed, shall be invested by the governors from time to time in the public funds in the names of the stock committee or in the name of the Official Trustees of Charitable Funds, and the dividends and income to arise from such investments shall be applicable as part of the income of the educational branch of the Charity.

Surplus income.

AS TO THE ELEMOSYNARY BRANCH.

107. There shall be such a number of almspeople belonging to the Charity as shall be determined by the governors from time to time, having regard to the amount of income available for the support of the eleemosynary branch of the Charity, and the extent of accommodation afforded by the buildings to be erected for that purpose according to this scheme; but the number of

Almspeople.

such almspeople for whom accommodation shall be provided by the governors in the first instance, shall not exceed twenty-four.

Residences for
almspeople.

108. Suitable residences with gardens, if the same can be conveniently attached to them, and all necessary and proper fittings and conveniences, shall be erected or appropriated and provided by the governors for the reception and accommodation of the said almspeople upon the Charity estate if practicable, or elsewhere at Dulwich, and according to plans to be approved by the Board of Charity Commissioners for England and Wales, and the cost of the erection and fitting up of such residences and premises, as well as keeping the same in repair, shall be charged by the governors to the eleemosynary branch of the Charity.

Provision for
locating pre-
sent poor
brethren and
sisters.

109. The present poor brethren and sisters belonging to the Charity, or any of them, who may continue to hold their respective appointments after the 31st day of December next, shall be entitled to be placed, in the first instance, in the residences to be erected or appropriated and fitted up in accordance with the provisions of this scheme; and until sufficient residences shall be erected and fitted up for such poor brethren and sisters, and in case of and from and after their removal from the college, the governors shall provide them with fit residences or make such other provision for their location and domiciles as shall be just and expedient.

Qualification of
almspeople.

110. One half of the almspeople shall be poor men to be called "Brethren," and the other half of such almspeople shall be poor women to be called "Sisters," and both classes shall be selected, so far as practicable, from among respectable persons, either married or single, who shall have fallen from better circumstances into indigence, and who shall be of the age of sixty years or upwards; and the said almspeople shall always be chosen and appointed from among residents in the said four parishes of Saint Botolph Without Bishopsgate, Saint Saviour Southwark, Saint Luke Middlesex, and Saint Giles Camberwell, respectively, in the proportion of one-fourth of the whole number of such almspeople from each of the said several parishes respectively.

Appointment
of almspeople.

111. The right of appointing the almspeople shall be vested in the governors but for the purpose of every such appointment the vestry of the parish from which the appointment is to be made shall submit to the governors the names of three persons duly qualified as aforesaid as candidates, with all proper information and evidences as to their qualification, condition, character, and circumstances, and so far as regards the candidates to be so submitted from the parish of Camberwell, having due regard to the preference herein-after reserved in favour of persons resident in the township or hamlet of Dulwich and one of such candidates, if found duly qualified and eligible, shall thereupon be selected and appointed by the governors to fill the vacancy; but the governors may, if and so often as they shall think fit, on the ground of disqualification, or any other reasonable cause to be assigned by them, reject all or any of the three candidates to be so submitted to them for the purpose of any such appointment, and require other candidates to be submitted to them as aforesaid, in the respective places of any so rejected. In any case of the refusal or omission of the vestry to submit to the governors the names of proper candidates within twenty-eight days next after a notification made to them or to their clerk by order of the governors of a vacancy to be filled,

or

or next after the rejection by the governors according to the preceding provision of any candidates or candidate for the said vacancy, the governors shall be at liberty to appoint any duly qualified person to fill such vacancy.

112. The almspeople, during the tenure of their respective appointments, shall have the use and occupation of their respective residences, together with such fittings and furniture (if any) as may be provided by the governors, rent free, and a weekly stipend to be fixed and determined from time to time by the governors, but not exceeding twenty shillings per week, shall be paid to each almsperson out of the income of the eleemosynary branch of the Charity.

Weekly allowances to almspeople.

113. The chaplain of the college, subject to the superior authority and direction of the governors, shall have the immediate supervision and control of the almspeople, and shall take care that proper discipline and order is observed by them, and he shall at least once in every year report to the governors as to the state and condition of the almspeople and the eleemosynary branch of the Charity generally.

Master to have supervision of almspeople.

114. Whenever the income of the eleemosynary branch of the Charity, after providing for the establishment and maintenance of twenty-four almspeople, shall be sufficient for the following purpose, the governors shall appoint from time to time as out-pensioners any number of persons not exceeding the number of almspeople for the time being, and not exceeding thirty-two in the whole. The number of such pensioners of either sex shall, so far as possible, be equal; and so far as may be convenient and practicable the several provisions herein contained with regard to the qualification of the said almspeople, and the proportion of the whole number to be appointed from the poor of each of the said four parishes respectively, and the mode of their election and appointment, and the tenure of their appointments, shall be applicable to the pensioners contemplated by this provision, except that such pensioners shall be eligible after the age of fifty years. The governors may pay to each pensioner during the tenure of his or her appointment, out of the last-mentioned income, a weekly or other periodical sum at the rate of ten shillings per week.

Pensioners.

115. The governors shall have the power of removing and dismissing any almsperson or pensioner for disqualification, immorality, insubordination, misconduct, or other sufficient cause, and the master of the college may at any time suspend any almsperson or pensioner guilty of any such misconduct from the receipt of any allowance or benefit from the Charity until the case can be reported to the governors and decided upon by them.

Removal and suspension of almspeople.

116. In the appointment of any almsperson or pensioner from among residents in the parish of Camberwell under the provisions of this scheme, poor persons resident in the said township or hamlet of Dulwich, being otherwise duly qualified as required by this scheme, shall always be entitled to and have a preference, *cæteris paribus*, over poor persons resident in other parts of the said parish, and the nominations to be made by the vestry of the said parish of Camberwell shall in all cases be made in accordance with

Preference in favour of Dulwich for appointment as almspeople and pensioners.

this provision; provided nevertheless, that the preference hereby given shall take effect and be acted upon in those cases only where the qualifications and claims of the respective candidates in accordance with this scheme, independently of their place of residence, shall be equal according to the judgment of the governors, whose decision in case of any dispute or difference as to the application or effect of this provision shall be conclusive as between all parties.

Surplus income.

117. The annual surplus income (if any) of the eleemosynary branch of the Charity which shall not be applied or required for the purposes herein-before expressed, or any of them, shall be invested by the governors from time to time in the public funds, in the names of the stock committee or in the name of the Official Trustees of Charitable Funds, and the dividends and income to arise from such investments shall be applicable as part of the income of the eleemosynary branch of the Charity.

AS TO THE PICTURES AND OTHER MINOR FOUNDATIONS.

Provision for preservation and custody of pictures.

118. Provision shall be made by the governors, with the sanction of the President of the Royal Academy, for the preservation and custody of the collection of pictures and other works of art bequeathed to the college by the respective wills of Sir Peter Francis Bourgeois and Margaret Desenfans, and all accretions or additions (if any) to such collection, either in the present gallery or in some other suitable building or repository to be erected or otherwise provided for the purpose at Dulwich, and subject to such regulations for making the same accessible to the public, and for other purposes, as the governors, with the like sanction or approval, may determine or direct; and until some other building or repository shall be so erected or provided, the said pictures and other works of art shall be kept under the control and direction of the governors in the present gallery, and shall be open to the public in the same manner as heretofore, or under such reasonable regulations to be established by the governors as shall not be inconsistent with the provisions or purposes of this scheme.

Endowments of picture gallery.

119. All sums of stock, securities for money, and other property vested in or held by the college, or any person or persons in trust for the custody or preservation of the said pictures or works of art, or for any object or purpose connected therewith, or so much thereof as shall not have been already vested in the said governors by virtue of the provisions herein-before contained, shall be transferred to the governors hereby established, or to any four persons of their number to be appointed by them for that purpose, or as to such stock to the Official Trustees of Charitable Funds, and shall be placed by the governors to a separate account, to be called "The Picture Gallery Endowment Account," and the same stock securities and premises, and the dividends and income arising therefrom, shall be applicable primarily to the purposes of placing, preserving, and guarding the said pictures and works of art; but such purposes may include the erection, providing, appropriation, and fitting of any new buildings or repository, which may be erected or provided in pursuance of the foregoing provision, and of keeping the same in repair. In case the services
of

of the present curator and doorkeeper of the picture gallery, or of either of them, shall be dispensed with by the governors, a suitable yearly allowance or pension shall be assigned to them respectively during their respective lives, in consideration of their past services, such respective allowances or pensions to be paid by the governors half-yearly out of the income of the Picture Gallery Endowment.

120. The annual surplus income (if any) arising from the said Picture Gallery Endowment shall be applied by the governors in or towards providing instruction in drawing or designing for the boys at the two schools constituted by this scheme, and until so applied shall be accumulated and invested as part of the surplus income of the said educational branch of the Charity.

Surplus income
of picture
gallery endow-
ment.

121. The sum of 666*l.* 13*s.* 4*d.*, 3*l.* per cent. reduced Bank Annuities, bequeathed by John Whitfield, Esquire, by his will dated the 24th of April 1826, to the master and warden of the said College and their successors, upon trust to lay out the interest thereof annually in bread and potatoes, or other necessities, and distribute the same in the months of December, January, and February in each year unto and among such twenty poor widows in the hamlet of Dulwich as the said master and warden should in their discretion consider most to stand in need of such assistance, and in proportion to the number of their respective families and wants, together with all accretions or additions, if any, to such bequest, shall be transferred to the Official Trustees of Charitable Funds, in trust for John Whitfield's Charity, Dulwich; and the chairman for the time being of the governors, and the master, and the chaplain for the time being of Allyn's College of God's Gift at Dulwich as hereby constituted, shall be the trustees for the management and distribution of the said, last-mentioned charity, and the income thereof shall be paid over from time to time to such trustees, or any one or more of them, in order that the same may be applied and distributed by them, or the majority of them, in accordance with the trusts declared by the said will.

John Whit-
field's gift.

122. The rents, dividends, and income arising from the estates and other property constituting the endowment of the school founded by James Allen, by indenture dated on or about the 31st of August 1741, for the benefit of the children of poor persons resident in the town of Dulwich, or within one mile thereof, and all accumulations of income and other funds belonging to the said endowment, shall be placed by the governors to a separate account, to be called "The Dulwich Girls' School Account." The chairman for the time being of the governors and the master and the chaplain for the time being of the said college shall be the trustees for the administration of the said last-mentioned school, which shall be established and carried on as a school for the instruction of girls being the children of poor persons resident in the hamlet of Dulwich and its immediate vicinity, subject to such regulations as may be prescribed by the said trustees, or the majority of them, with the sanction of the said Board of Charity Commissioners for England and Wales; and the rents and income arising from the said endowment shall be paid over to the said trustees in trust for the purposes of the same school, and the governors of the said college shall be at liberty to appropriate in perpetuity a suitable

James Allen's
gift, or Dul-
wich girls'
school.

piece

piece of land out of the college estate as a site for school buildings for the said last-mentioned school, and any accumulations which have been already made, or may hereafter be made, out of the rents or income of the said endowment, may be applied by the said trustees in or towards erecting and fitting up suitable buildings for the purposes of the said school.

Dulwich College.

A

BILL

INTITULED

An Act for confirming a Scheme of the
Charity Commissioners for the College
of God's Gift in Dulwich in the County
of Surrey, with certain Alterations.

(*Brought from the Lords 17 July 1856.*)

Ordered, by The House of Commons, to be Printed,
17 July 1856.

[Bill 254.]

Under 4 oz.

14 February 1856. 19 VICT.



(Ireland.)

A

B I L L

TO

Encourage the providing of improved Dwellings for the Labouring Classes in Ireland.

WHEREAS it would encourage the providing of improved Dwellings for the Labouring Classes in Ireland if a summary Remedy for recovering the Possession and Rent, when wrongfully withheld, were made applicable to small Tenements of a Description suited to such Classes, but upon Condition that such Tenements shall have had at least certain primary Requisites for the Comfort and Health of the Tenants: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble:
Expediency of applying a summary Remedy for the Possession and Rent to Tenements suited to the Labouring Classes when provided with Requisites for Comfort and Health.

I. The Description of Tenements within this Act shall be:

1. Any Dwelling House, held with not more than Half an Acre (if any) of Land as a Garden or cultivated Allotment:

2. Of which the Tenure shall have been weekly or monthly:

15 3. And of which the Rent shall not have exceeded the Rate of Fifteen Shillings by the Month.

Description of Tenement within Act.

1. Dwelling House with or without small Allotments.

2. Tenure.

3. Rent.

Provided that such Tenement shall have been let by a written or printed Agreement as nearly as possible of the Form in the Schedule

Provided let by Form of Agreement.

[Bill 32.]

A

to

2 *Dwellings for Labouring Classes (Ireland).*

to this Act, and that it shall have been expressly stated therein whether the said Tenement and Requisites should be maintained in good tenantable Condition by the Landlord or by the Tenant.

*Application of
summary Remedy.*

II. The under-named Sections of "The Summary Jurisdiction (Ireland) Act, 1851" shall be applicable to Tenements within this Act as follows: 5

1. For the Possession.

1. The Fifteenth Section shall apply to the Delivery of the Possession of any such Tenement, when wrongfully overheld, in the same Manner as it would now apply to the Delivery of the Possession of any Tenement within the said Act: 10

Provided Tenancy determined by Notice to quit.

Provided that the Tenancy (except in the Cases of Default herein-after mentioned) shall have been determined by a written Notice to quit, delivered to the Tenant personally (or left for him with some Person apparently in occupation of his Dwelling) at least *One Week* or *One Month* (according as the Tenure shall have been weekly or monthly) before the Expiration of any Week or Month of the Tenure: 15

2. For the Rent:

2. The Sixteenth Section shall apply to the Recovery of the Rent of any such Tenement, due by the Tenant to the Landlord, in the same Manner as it would now apply to the Recovery of any Wages due by the Landlord to the Tenant: 20

Provided accrued due within certain Limits.

Provided that such Rent shall have accrued due not less than *One Week*, and not more than *One Month*, before the Issue of the Summons in the Case:

Landlords Obligations as to Requisites.

But no Order shall be made under the said Sections except upon Proof at the Hearing of the Case: 25

First, Providing them:

First: That the Tenement had the following Requisites at the Commencement of the Tenancy, viz.:

(a) Walls and Chimneys:

(a) The Walls and a sufficient Chimney built of Stones and Mortar, or Bricks and Mortar: 30

(b) Rooms:

(b) At least *Two* separate Rooms:

(c) Windows:

(c) A sufficient external Window, with a moveable glazed Sash for the Admission of Air, in each Room:

(d) Privies:

(d) A sufficient Privy:

(e) Space in front:

(e) A Space at least *Eighteen Feet* Wide extending immediately along the whole Front of the Dwelling (or, where any public Thoroughfare shall pass nearer, the Space (if any) between such Thoroughfare and Dwelling) sufficiently levelled and drained: 35

(f) Space for Pigsty, &c.

(f) A sufficient Space, either at the Ends or in the Rear of the Dwelling, suited for a Pigsty and Dunghill, when the Tenant shall have had one: 40

Second;

Second; And that the said Requisites had been in good tenantable Condition, and adapted to their proper Use, at the Commencement of the last Week or Month of the Tenure for which the Landlord shall have received any of the Rent :

Second, Maintaining them.

5 But this Second Obligation may be dispensed with when the Landlord shall not have as yet received any of the Rent subsequent to the Commencement of the Tenancy, and also when and so far as the tenantable Condition of such Requisites shall have been defective through the Default of the Tenant, and not
10 of the Landlord:

Proof of Maintenance may be dispensed with when no Rent received, and when defective through Tenant's Default.

And upon further Proof at the Hearing of the Case that, during any Week or Month of the Tenure for which the Landlord shall not have as yet received any of the Rent, the Tenant had made any wilful Default in observing the following Obligations, viz. :

Tenant's Obligations as to Defaults.

15 First; Not to permit any Pigsty or Dunghill to remain for more than *Three* consecutive Days in front of the Dwelling, within the Space (if any) above required to be levelled and drained; and,

First, not to permit Nuisances.

20 Second; Not to do, or suffer others to do, any wilful Damage to the Tenement :

Second, not to do or suffer waste.

Then the Service of the Summons in the Case shall be deemed to have been sufficient (without other Notice to quit) to have determined the Tenancy at the Time of such Service.

If Default made, no Notice to quit necessary.

III. Whenever the Tenant shall have overheld the Tenement
25 (without reasonable Cause) after the Tenancy shall have been determined, and the Possession shall have been duly demanded of him by the Landlord, he shall be liable to pay to the Landlord the full Rent reserved for the Week or Month (according to the Tenure), during any Part of which he shall have so overheld the Possession,
30 and which would have otherwise accrued due in case the Tenancy had not been determined.

Overholding Tenant liable to full Rent.

IV. Whenever the Tenant shall have sown or planted upon the Tenement any growing Crop, which shall not have arrived at Maturity upon the Determination of the Tenancy, no Order shall be made
35 for the Delivery of the Possession of the Tenement until the Landlord shall have paid to the Tenant (or allowed him Credit for) such Sum (if any) as the Justices shall think a fair Compensation for such Crop.

Outgoing Tenant to have Compensation for Crops.

V. This Act shall not be deemed to deprive the Landlord, either
40 before or after the Justices may have declined to interfere, of any Remedy for the Enforcement of his Rights which he might otherwise have in the Superior or other Courts of Law or Equity in Ireland.

Act not to deprive Landlord of other Remedies at Law or in Equity.

Act not to affect
Jurisdiction in Fair
and Market Towns.

VI. This Act shall not be deemed to interfere with the Jurisdiction established by the said recited Act, as to small Tenements, in certain Towns and Villages in Ireland.

Act to be construed
as Part of recited Act.

VII. This Act shall be construed subject to the Interpretation and other Clauses (and as if it were a Part) of the said recited Act ; 5 and the Word "Landlord" shall include any Agent, Receiver, or other Person legally representing the Landlord.

Short Title.

VIII. In citing this Act in any other Act, Instrument, or Proceeding, it shall be sufficient to use the Expression "The Cottier Tenant (Ireland) Act, 1856." 10

To extend to Ireland
only.

IX. This Act shall only extend to Ireland.

SCHEDULE.

FORM OF AGREEMENT.

This Agreement witnesses

That _____, as Landlord, agrees to let,
and

That _____, as Tenant, agrees to hold,
the following Tenement; viz., ⁽¹⁾

⁽¹⁾ Description of
the Tenement.

Situated at _____ in the County of _____
and Townland of _____.

From the _____ Day of _____ 185 .

By the ⁽²⁾

⁽²⁾ "Week" or "Month

At the Rent of _____ Shillings and _____ Pence, ⁽³⁾

⁽³⁾ "Weekly," or
"monthly."

And it has been also agreed that such Tenement having at present
the several Requisites specified in the "The Cottier Tenant (Ireland)
Act, 1856," the said Tenement and the said Requisites shall be
maintained in good tenantable Condition by the ⁽⁴⁾

⁽⁴⁾ "Landlord" or
"Tenant."

And it has been also agreed, ⁽⁵⁾

⁽⁵⁾ Further Stipula-
tions (if any).

Signed _____ Landlord, this _____ Day of _____ 185 .

Signed _____ Tenant, this _____ Day of _____ 185 .

Dwellings for Labouring Classes (Ireland).

A

BILL

To encourage the providing of improved
Dwellings for the Labouring Classes
in Ireland.

(*Prepared and brought in by*
Sir Wm. Somerville and Mr. George Alexander
Hamilton.)

Ordered, by The House of Commons, to be Printed,
14 February 1856.

[B11 32.]

Under 1 oz.

20 June 1856. 19 & 20 VICT.



(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION
OF BILL AS AMENDED]

TO

Encourage the providing of improved Dwellings
for the Labouring Classes in Ireland.

[Note.—*The Clauses A., B., and C., and Schedule B., were added in
Committee.*]

WHEREAS it would encourage the providing of improved
Dwellings for the Labouring Classes in Ireland if a sum-
mary Remedy for recovering the Possession and Rent, when
wrongfully withheld, were made applicable to small Tenements of a
5 Description suited to such Classes, but upon Condition that such
Tenements shall have had at least certain primary Requisites for the
Comfort and Health of the Tenants: Be it therefore enacted by the
Queen's most Excellent Majesty, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this present
10 Parliament assembled, and by the Authority of the same, as follows:

I. The Description of Tenements which shall be deemed to be
within this Act shall be:

1. Any Dwelling House held with not more than Half an Acre
(if any) of Land as a Garden or cultivated Allotment:
- 15 2. Of which the Tenure shall have been for a Year or for any
lesser Term:
3. And of which the Rent shall not have exceeded the Rate of
Twelve Shillings by the Month:

Provided that such Tenement shall have been let by a written or
20 printed Agreement as nearly as possible of the Form in the Schedule
[Bill 192.]

Preamble:

Expediency of apply-
ing a summary
Remedy for the
Possession and Rent
to Tenements suited
to the Labouring
Classes when provided
with Requisites for
Comfort and Health.

*Description of
Tenement within Act.*

1. Dwelling House
with or without small
Allotments.

2. Tenure.

3. Rent.

Provided let by Form
of Agreement.

A

to

to this Act, and that it shall have been expressly stated therein whether the said Tenement and Requisites should be maintained in good tenantable Condition by the Landlord or by the Tenant, or what Portion of the said Tenement and Requisites should be maintained in good tenantable Condition by the Landlord or by the Tenant 5 respectively.

*Application of
summary Remedy.*
1. For the Possession.

II. The Fifteenth Section of "The Summary Jurisdiction (Ireland) Act, 1851," shall be applicable to the Delivery of the Possession of any Tenement within this Act, when wrongfully overheld, in the same Manner as it would now apply to the Delivery of the Possession of 10 any Tenement within the said Act :

*Landlords Obligations
as to Requisites.*

But no Order shall be made under the said Section except upon Proof at the Hearing of the Case :

First, Providing them :

First : That the Tenement had the following Requisites at the Commencement of the Tenancy ; viz. 15

(a) Walls and Chimneys :

(a) The Walls and a sufficient Chimney built of Stones and Mortar, or Bricks and Mortar :

(b) Rooms :

(b) At least Two separate Rooms :

(c) Windows :

(c) A sufficient external Window, with a moveable glazed Sash or Casement for the Admission of Air, in each Room : 20

(d) Privies :

(d) A sufficient Privy :

(e) Space in front :

(e) A Space at least Eighteen Feet wide extending immediately along the whole Front of the Dwelling (or, where any public Thoroughfare shall pass nearer, the Space (if any) between such Thoroughfare and Dwelling,) sufficiently 25 levelled and drained :

(f) Space for Pigsty and Dunghill.

(f) A sufficient Space, either at the Ends or in the Rear of the Dwelling, suited for a Pigsty and also for a Dunghill :

Second, Maintaining them.

Second ; And that the said Requisites had been in good tenantable Condition, and adapted to their proper Use, at the Commence- 30 ment of the last Period of the Tenure for which the Landlord shall have received any of the Rent :

Proof of Maintenance may be dispensed with when no Rent received, and when defective through Tenant's Default.

But this Second Obligation may be dispensed with when the Landlord shall not have as yet received any of the Rent subsequent to the Commencement of the Tenancy, and also when 35 and so far as the tenantable Condition of such Requisites shall have been defective through the Default of the Tenant, and not of the Landlord :

*Tenant's Obligations
as to Defaults.*

And upon further Proof at the Hearing of the Case that, during any Period of the Tenure for which the Landlord shall not have as yet 40 received

received any of the Rent, the Tenant had made any wilful Default in observing the following Obligations ;

- First ; Not to permit any Pigsty or Dunghill to remain in front of the Dwelling, within the Space (if any) above required to be levelled and drained, for longer than Three clear Days after being served with a Notice by the Landlord to remove the same ; and, Second ; Not to do, or suffer others to do, any wilful Damage to the Tenement :

First, Not to permit Nuisances.

Second, Not to do or suffer Damage.

Then the Service of the Summons in the Case shall be deemed to have been sufficient (without other Notice to quit) to have determined the Tenancy at the Time of such Service.

If Default made, no Notice to quit necessary.

III. Whenever the Tenant shall have overheld the Tenement (without reasonable Cause) after the Tenancy shall have been determined, and the Possession shall have been duly demanded of him by the Landlord, he shall be liable to pay to the Landlord the full Rent reserved for the Period of the Tenure during any Part of which he shall have so overheld the Possession, and which would have otherwise accrued due in case the Tenancy had not been determined.

Overholding Tenant liable to full Rent.

IV. Whenever the Tenant shall have sown or planted upon the Tenement any growing Crop, which he shall be unable to save by reason of the Determination of the Tenancy, the Justices shall, by a distinct Order, fix such Sum (if any) as they shall think a fair Compensation to him for the Loss of such Crop, after all just and proper Deductions on account of any Arrear of Rent due by the said Tenant to the Landlord for the said Tenement ; and no Warrant shall be issued to execute the Order for Possession until the Landlord shall have paid or tendered to the Tenant or allowed him Credit for the Sum so fixed by the Order for Compensation.

Outgoing Tenant to have Compensation for Crops.

V. This Act shall not be deemed to deprive the Landlord, either before or after the Justices may have declined to interfere, of any Remedy for the Enforcement of his Rights which he might otherwise have in the Superior or other Courts of Law or Equity in Ireland.

Act not to deprive Landlord of other Remedies at Law or in Equity.

VI. This Act shall not be deemed to interfere with the Jurisdiction established by the said recited Act as to small Tenements in certain Towns and Villages in Ireland.

Act not to affect Jurisdiction in Fair and Market Towns.

VII. The Landlord of any Tenement, or his Agent, if Justices of the Peace, shall not, as such, take any Part in the Hearing of any Complaint, or in the making of any Order, Decree, or Adjudication under this Act, in relation to such Tenement.

CLAUSE A.
Landlord not to act as Justice in his own Case.

CLAUSE B.
Appeals.

VIII. In case any Person shall feel aggrieved by any Order, Decree, or Adjudication to be made by any Justices under this Act, it shall be lawful for such Person to appeal against the same, and such Appeal shall be to the like Court, and subject to the same Incidents, and be heard and dealt with in the same Manner, as an Appeal under the Twenty-fourth Section of "The Petty Sessions (Ireland) Act, 1851," save that, in lieu of the Seven Days Notice of the Appellant's Intention to prosecute his Appeal required by said Act, the Appellant shall give Notice in Writing of his Intention to prosecute his Appeal to the opposite Party Five Days at least before the Commencement of the Sessions to which the Appeal shall be made, and save that the Recognizance to be entered into shall be in the Form in the Schedule (B.) to this Act annexed, or to the like Effect, and that such Appeal shall not be dismissed on any Point of Form.

Act to be construed
as Part of recited Act.

IX. This Act shall be construed subject to the Interpretation and other Clauses (and as if it were a Part) of the said recited Act; and the Word "Landlord" shall include any Agent, Receiver, or other Person legally representing the Landlord; the Expression "Period of the Tenure" shall mean the Year, Half Year, Quarter, Month, or Week, as the Case may be, according to which the Rent shall have been reserved.

Short Title.

X. In citing this Act in any other Act, Instrument, or Proceeding, it shall be sufficient to use the Expression "The Cottier Tenant (Ireland) Act, 1856."

CLAUSE C.
Act only to apply to
Tenements erected
solely by Landlord.

XI. This Act shall apply only to Tenements which may have been erected at the sole Cost and Expense of the Landlord.

To extend to Ireland
only.

XII. This Act shall only extend to Ireland.

SCHEDULE(A.)

FORM OF AGREEMENT.

This Agreement witnesses

That _____, as Landlord, agrees to let,
and

That _____, as Tenant, agrees to hold,
the following Tenement; viz., ⁽¹⁾ _____

⁽¹⁾ Description of
the Tenement.

Situated at _____ in the County of _____
and Townland of _____.

From the _____ Day of _____ 185 .

By the ⁽²⁾

⁽²⁾ "Week," "Month,"
&c.

At the Rent of _____ Shillings and _____ Pence, ⁽³⁾

⁽³⁾ "Weekly,"
"monthly," &c.

And it has been also agreed, that such Tenement having at present
the several Requisites specified in "The Cottier Tenant (Ireland)
Act, 1856," the said Tenement and the said Requisites shall be
maintained in good tenantable Condition by the ⁽⁴⁾

⁽⁴⁾ "Landlord" or
"Tenant," or partly
by the Landlord and
partly by the Tenant.

And it has been also agreed, ⁽⁵⁾

⁽⁵⁾ Further Stipula-
tions (if any).

Signed _____ Landlord, this _____ Day of _____ 185 .

Signed _____ Tenant, this _____ Day of _____ 185 .

SCHEDULE (B.)

FORM OF RECOGNIZANCE ON DEFENDANT'S APPEAL.

No. _____.

Petty Sessions, District of _____ in the County of _____

A.B. of [*here describe the Plaintiff*], Plaintiff; C.D. of [*here describe the Defendant*], Defendant.

£ s. d.

The said Defendant acknowledges himself to be bound
to the Plaintiff in the Sum of - - - - -

And E.F. of _____ and G.H. of _____ as
his Sureties, acknowledge themselves to be jointly and
severally bound to the said Plaintiff in the Sum of - - - - -

The Condition of this Recognizance is, that if the Defendant pro-
secutes his Appeal in this Cause with Effect, and perform such Order
as shall be made thereon by the Court of Appeal [*if the Appeal is*
from an Order for Possession then add], and pending such Appeal
shall not do or suffer any Injury, Waste, or Dilapidation to the
Tenement, then the above Recognizance to be void, otherwise to
remain in full Force and Effect.

Dwellings for Labouring Classes (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERA-
TION OF BILL AS AMENDED]

To encourage the providing of improved
Dwellings for the Labouring Classes
in Ireland.

(Prepared and brought in by
Sir Wm. Somerville and Mr. George Alexander
Hamilton.)

*Ordered, by The House of Commons, to be Printed,
20 June 1856.*

[Bill 192.]
Under 1 oz.

18 July 1856. 19 & 20 VICT.



(No. 2.)

A

B I L L

TO

Extend the Act to facilitate the Improvement of
Landed Property in Ireland, and the Acts
amending the same, to the Erection of improved
Dwellings for the Labouring Classes in Ireland.

WHEREAS an Act was passed in the Tenth Year of Her Majesty, intituled "An Act to facilitate the Improvement of Landed Property in Ireland:" And whereas an Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Twenty-three, was passed, "to authorize further Advances of Money for the Improvement of Landed Property and the Extension and Promotion of Drainage and other Works of public Utility in Ireland:" And whereas another Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Thirty-one, was passed, "to authorize further Advances of Money for Drainage and the Improvement of Landed Property in the United Kingdom, and to amend the Acts relating to such Advances:" And whereas, under the Eighth Section of the said last-recited Act, Loans were authorized to be made for the Erection of Farm Buildings in Ireland, and it is expedient to authorize Loans to be made in like Manner for the Erection of improved

Preamble.
10 & 11 Vict.
c. 32.
12 & 13 Vict.
c. 23.
13 & 14 Vict.
c. 31.

[Bill 259.]

improved Dwellings for the Labouring Classes in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

5

Recited Acts
extended to
the Erection
of improved
Dwellings
for the
Labouring
Classes in
Ireland.

I. That out of any Money authorized to be advanced for facilitating the Improvement of Landed Property in Ireland under the said recited Act of the Tenth Year of Her Majesty, and under the said secondly recited Act, or under such Part of the said thirdly recited Act as relates to the Improvement of Landed Property in Ireland, Loans may 10 be made for the Erection of improved Dwellings for the Labouring Classes in Ireland, and all the Provisions of the said recited Act of the Tenth of Her Majesty, and the said secondly and thirdly recited Acts, so far as the same are applicable, shall be construed in like Manner as if the Erection of improved Dwellings for the Labouring Classes as 15 aforesaid had been enumerated in such recited Act of the Tenth of Her Majesty among the Purposes for which Loans might be made under that Act: Provided always, that every such Dwelling so to be erected shall comprise at least the several Requisites enumerated in an Act passed in the present Year of Her Majesty, intituled "An Act to 20 " encourage the providing of improved Dwellings for the Labouring " Classes in Ireland:" Provided also, that no Loan shall be made exceeding the Sum of *Seventy-five* Pounds for each Dwelling so proposed to be erected.

Dwellings for the Labouring Classes (Ireland).

(No. 2.)

A

B I L L

To extend the Act to facilitate the
Improvement of Landed Property in
Ireland, and the Acts amending the
same, to the Erection of improved
Dwellings for the Labouring Classes
in Ireland.

(Prepared and brought in by
Sir William Somerville and Sir George Alexander
Hamilton.)

Ordered, by The House of Commons, to be Printed,
18 July 1856.

[Bill 259.]

Under 1 oz.

10 July 1856. 19 & 20 Vict.



A

B I L L

FOR

Abolishing the Testamentary Jurisdiction of certain Ecclesiastical Courts, and for continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in England for a limited Period.

WHEREAS an Act was passed in the Session holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled "An Act to amend the Law as to Ecclesiastical Jurisdiction in England," by which it was enacted, that certain of the Provisions therein contained should continue until the First Day of August One thousand eight hundred and forty-eight, and if Parliament were then sitting until the End of the then Session of Parliament, and such Provisions have been continued by sundry Acts until the First Day of August One thousand eight hundred and fifty-six, and to the End of the then next Session of Parliament: And whereas it is expedient to abolish the Testamentary Jurisdiction of all Archidiaconal, Commissariat, Peculiar, and Manorial Courts, and, subject to such Abolition, to continue the Provisions of the said recited Act for a further Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

Preamble.
10 & 11 Vict.
c. 98.

[Bill 241.] Lords

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Jurisdiction
of Archi-
diaconal, &c.
Courts as to
Probates of
Wills, &c.
transferred
to Courts of
the Diocese.
Recited Act
as amended
continued
till 1st
August 1857
&c.

I. The Jurisdiction of all Archidiaconal, Commissariat, Peculiar, and Manorial Courts, of or concerning Probates of Wills and Letters of Administration of the Estate and Effects of deceased Persons, shall, on and after the *First Day of January One thousand eight hundred and fifty-seven*, be transferred to and vested in the Courts of the Diocese wherein such Archidiaconal, Commissariat, Peculiar, and Manorial Courts are respectively situate; and, subject to such Transfer of Jurisdiction as aforesaid, the Provisions of the said recited Act shall continue until the *First Day of August One thousand eight hundred and fifty-seven, and to the End of the then next Session of Parliament*: Provided always, that such Transfer of Jurisdiction to the Diocesan Courts shall not be deemed or taken in any Manner to preclude or impede the passing of any future Act for the Abolition or Modification of the said Diocesan Courts: And provided also, that it shall be lawful for such Archidiaconal, Commissariat, Peculiar, and Manorial Courts to complete any such Duty commenced before the *First Day of January One thousand eight hundred and fifty-seven*, and to grant Probate of any Will or Letters of Administration of any Estate duly applied for before that Day.

Compensa-
tion to
Judges, &c.
of Courts
whose Juris-
diction is
transferred.

II. And whereas it is just and expedient that the Judges, Deputy Judges, Registrars, Deputy Registrars, and other Persons holding Office in the Courts whose Testamentary Jurisdiction is hereby transferred should receive full Compensation for the Loss that they will incur by reason of such Transfer as aforesaid: Be it enacted, That the Judges, Deputy Judges, Registrars, Deputy Registrars, and other Persons holding Office in any Court whose Testamentary Jurisdiction is hereby abolished may send in a Statement to the Commissioners of the Treasury of the average Amount of the Fees of their respective Offices for the Period of *Six Years* before the *First Day of January One thousand eight hundred and fifty-seven*, and of the Nature and Tenure of their Office, and the said Commissioners shall forward such Statement to the Officers of the Diocesan Court to which the Testamentary Jurisdiction is hereby transferred, and the said Commissioners shall award the annual Sum that should be paid by way of Compensation to each One of the Officers of the Courts whose Testamentary Jurisdiction is so transferred as aforesaid, having regard to the said average annual Value of the Fees, and to the Nature and Tenure of the Office, and upon the Principle that the Compensation so awarded shall be a fair Equivalent for the Loss caused to such Officer by such Transfer as aforesaid.

III. And

III. And such Compensation shall be paid in manner following; that is to say, the Compensation of the Judges and Deputy Judges of every Court the Testamentary Jurisdiction of which is hereby abolished shall be paid out of the Fees that after this Act comes into
5 operation shall be payable to the Judge of the Diocesan Court to which the Testamentary Jurisdiction is transferred, and such Compensation shall be due and payable at such Times and in such Manner as the said Commissioners shall award, and shall be deemed and taken in every Court of Law and Equity to be a Charge upon such Fees;
10 and in like Manner the Compensation of the Registrars, Deputy Registrars, and other Officers in the Courts whose Testamentary Jurisdiction is transferred shall be a Charge upon and shall be paid out of the Fees of the corresponding Officers in the Diocesan Courts to which the Jurisdiction is transferred respectively.

Such Compensation to be payable out of the Fees of Diocesan Courts.

Ecclesiastical Courts, &c.

A

B I L L

For abolishing the Testamentary Jurisdiction of certain Ecclesiastical Courts, and for continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in England for a limited Period.

(*Prepared and brought in by*
Mr. Headlam and Mr. Robert Phillimore.)

Ordered, by The House of Commons, to be Printed,
10 July 1856.

[Bill 241.]

Under 1 oz.



A

B I L L

TO

Transfer the Testamentary Jurisdiction of the
Ecclesiastical Courts to the Superior Courts of
Common Law and to the County Courts.

WHEREAS it is expedient to transfer the Jurisdiction exer- Preamble.
cised by Ecclesiastical, Manorial, and other Courts in
England and Wales in granting Probate of Wills and
Administration of the Effects of deceased Persons to the Superior
5 Courts of Common Law and to the County Courts, and to give to
such Courts further Powers and Authority in relation to the Adminis-
tration of the Effects of deceased Persons; and it is expedient that
the Law with respect to Matters Testamentary should be amended
in manner herein-after provided: Be it enacted by the Queen's most
10 Excellent Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, as follows:

I. The Provisions of this Act shall come into operation on the Commence-
Day of One thousand eight hundred and fifty- ment of Act.
15 *six.*

[Bill 24.]

A

II. The

Interpretation Clause.	II. The following Words and Expressions used in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or the Context repugnant to such Construction ; (that is to say,)	
"Will :"	The Word "Will" shall comprehend Testament, Codicil, Appointment by Will or Writing in the Nature of a Will, and all other Testamentary Instruments and Papers :	5
"Administration :"	The Word "Administration" shall comprehend all Letters of Administration of the Effects of deceased Persons, whether with or without the Will annexed, Administrations de bonis non, durante minore ætate, ad litem, "pendente lite, durante absentia," and all other Letters of Administration whatsoever, whether granted for general, special, or limited Purposes :	10
"Real Estate :"	The Expression "Real Estate" shall extend to Manors, Advowsons, Messuages, Lands, Tithes, Rents, and Hereditaments, whether Freehold, Customary Freehold, Tenant Right, Customary or Copyhold, or of any other Tenure, and whether corporeal, incorporeal, or personal, and to any undivided Share thereof, and to any Estate, Right, or Interest other than a Chattel Interest therein :	15 20
"Personal Estate :"	The Expression "Personal Estate" shall extend to Leasehold Estates and other Chattels Real, and also to Monies, Shares of Government and other Funds, Securities for Money (not being Real Estates), Debts, Choses in Action, Rights, Credits, Goods, and all other Property whatsoever which by Law devolves upon the Executor or Administrator, and to any Share or Interest therein :	25
"County Court :"	The Words "County Court" shall be understood to mean a Court holden under an Act passed in the Tenth Year of Her Majesty,	
"District :"	Chapter Ninety-five ; the Word "District" to mean a District of	30
"District Registrar."	a County Court aforesaid ; and the Word "District Registrar" a Registrar of Wills appointed under and by virtue of this Act for the Districts within the Circuit of a County Court.	

Short Title. III. In citing this Act in other Acts of Parliament, or any Instrument, Document, or legal Proceeding, it shall be sufficient to use the Expression "The Probate and Administration Act, 1856."

Jurisdiction of existing Courts abolished. IV. No Jurisdiction in the granting or revoking of Probate of Wills or Administration of the Effects of deceased Persons, or with respect to the Recovery of Legacies, or the Production of Inventories or Accounts of the Goods, Chattels, or Credits of Testators or Persons dying intestate, or the Distribution thereof, or otherwise, in any testamentary Causes or Matters whatsoever, shall be had, used, or exercised by any Ecclesiastical Court, Royal Peculiar, Peculiar, Manorial, and

or other Court, or by any Lord of a Manor, or by any Body Politic or Corporate, or by any Person or Persons whomsoever, who at or before the Time appointed for the Commencement of this Act shall exercise or be entitled to exercise such Jurisdiction in England or
 5 Wales, except so far as relates to any Suits or Proceedings for those Purposes or any of them which shall be then pending, which Suits and Proceedings shall be continued and concluded in the Courts in which the same respectively shall be pending as if this Act had not been passed.

- 10 V. The Judge of every County Court in England and Wales, except the Judges of the Circuits numbered 40, 41, 42, 43, 44, 45, 47, 48, in the Orders of Council whereby the Districts of the County Courts are established, shall, within Appoint-
ment of
Registrars. after the passing of this Act, by Warrant under his Hand and Seal, appoint a competent Person, being
 15 an acting Registrar or Proctor of any Ecclesiastical Court, to be the Registrar of Wills for the Districts within the Circuit of such Judge; and such Registrar, and any Registrar who shall be afterwards appointed, shall exercise his Office in Person, and not by Deputy, and shall hold the same during his good Behaviour, subject to be removed
 20 by the Judge of the County Court of the Circuit for which he is Registrar, for good and reasonable Cause, such Removal to be approved of by the Lord Chancellor; and when any Vacancy shall hereafter occur in the said Office of Registrar, the Judge of the County Court for the Circuit shall, by Warrant under his Hand and Seal,
 25 appoint a fit and proper Person to be such Registrar.

- VI. The Lord Chancellor shall, within Registrar for
Metropolitan
Districts. after the passing of this Act, by Warrant under his Hand and Seal, appoint a competent Person, being an acting Registrar or Proctor of One of the Ecclesiastical Courts of Doctors Commons, to be the Registrar of
 30 Wills for the said Circuits numbered respectively 40, 41, 42, 43, 44, 45, 47, and 48 as aforesaid; and the District of such Registrar shall be called the Metropolitan District; and such Registrar, and any Registrar who shall be afterwards appointed in his Place, shall exercise his Office in Person, and not by Deputy, and shall hold the same
 35 during his good Behaviour, subject to be removed by the Lord Chancellor; and when any Vacancy shall hereafter occur in the said Office of Registrar, the Lord Chancellor shall, by Warrant under his Hand and Seal, appoint a fit and proper Person to be such Registrar; and the Office of the said Registrar of the said Metropolitan District shall
 40 be situate at the same Place as the General Registry herein-after mentioned, and such Registrar shall attend therein at such Times as the Lord Chancellor shall from Time to Time direct; and the said Metropolitan District shall for all the Purposes of this Act, except where

otherwise expressly provided for, be deemed and taken to be the District of a County Court.

Offices to be provided.

VII. The Judge of the County Court, when he shall appoint such Registrar, shall also appoint some Place or Places within the Circuit for which he is Judge to be the Place or Places where an Office of 5 such Registrar shall be situate; and every Registrar shall provide a proper and convenient Office at every such Place, and shall attend therein at such Times as the Judge of the County Court shall from Time to Time direct.

Certificate of Intestacy.

VIII. Certificates of Intestacy may be granted upon the Application 10 of the Heir or any One of the Coheirs of the Deceased, or of any Creditor or other Person showing an Interest in the Matter, and shall enure for the Benefit of all the Heirs, and all Persons having an Interest in the Matter.

Such Certificate to be granted upon Affidavit of Person applying.

IX. Such Certificates shall be granted upon the Affidavit of the 15 Person applying for the same, or, where such Person is absent from England, or under any Disability except Coverture, upon the Affidavit of some other Person or Persons, that the Deceased died intestate as to his Real Estate.

Duties of Registrar.

X. Any Person desirous of obtaining Probate of any Will, or Admi- 20 nistration of the Effects or a Certificate of Intestacy of any deceased Person, may apply, either personally or through a Solicitor or Proctor, to the Registrar for the District within which such deceased Person dwelt at the Time of his Death, and shall thereupon leave or cause to be left with such Registrar the Will, if any, of the Deceased, and such 25 other Papers as may be necessary for the Purpose of obtaining such Probate or Administration; and the said Registrar shall take the same Will into his Custody, and shall administer such Oaths as shall be necessary to be taken before such Probate or Administration or Certificate of Intestacy can be granted, and shall keep such Will in some 30 safe and convenient Place until Probate thereof shall be granted, or the same shall have been transmitted by him to One of the Clerks of Probates herein-after mentioned, and under the Provisions herein-after contained, and shall from Time to Time produce the same at such Times and Places as may be ordered by the Judge of the County 35 Court or by any One of the Judges of Her Majesty's Superior Courts of Common Law, and shall, so long as he shall retain such Will in his Custody, permit the same to be inspected by all Persons, in the same Manner as Wills in the Custody of the Prerogative Court of Canterbury are now permitted to be inspected, or otherwise as may 40 from

from Time to Time be directed by any Rules to be made for regulating the Practice and Proceedings under this Act.

XI. Where any Estate of Freehold in any Lands, Tenements, or Hereditaments is devised by any Will of which no Person would now by Law be entitled to Probate, it shall be lawful to grant Probate of such Will to any Devisee or Devisees under such Will as the Court having Jurisdiction to grant such Probate shall think fit.

Probate of Will of Real Estate may be granted to Devisee.

XII. When any deceased Person shall at the Time of his Death be resident abroad, or in any Part of the United Kingdom not within the Jurisdiction of any of the County Courts, Application for Probate of his Will or Administration of his Estate and Effects, or a Certificate of his Intestacy, may, whether such deceased Person shall have been a Foreign or British Subject, be made to the Registrar of the Metropolitan District herein-before mentioned.

Where Deceased re-sided abroad, &c.

XIII. Whenever, in consequence of the Will of any deceased Person having been already proved abroad, or elsewhere than in England or Wales, or from any other Cause whatsoever, it has become impossible to leave with the Registrar the original Will, it shall be sufficient to leave with such Registrar a Copy of such Will under the Seal of the Court so having granted Probate or Letters of Administration with the Will annexed, or if such Copy cannot be obtained, a Copy of the said Will authenticated in such a Manner as the Judge of the County Court, or the Registrar for the Metropolitan District to whom the Application for Probate or Administration shall be made, shall direct, and shall, after the same is obtained, approve of and allow.

Where Will proved abroad, Copy to be produced.

XIV. The Person or some One of the Persons applying for Probate or Administration or a Certificate of Intestacy shall, upon such Application, make an Affidavit, with a Schedule annexed thereto in the Form set forth in the Schedule (A.) to this Act, with such Variations as the Nature and Circumstances of the Case may require; and any Registrar permitting any Probate or Administration or Certificate of Intestacy to be issued without such Affidavit or Schedule being first made or exhibited, or whereby, from the Particulars stated in the Affidavit or Schedule, it shall appear that such Probate or Administration or Certificate of Intestacy ought not to have issued in the District whereof he is the Registrar, shall be liable to a Penalty of *Fifty Pounds*, to be recovered, together with Costs of Suit, in any of Her Majesty's Courts of Law at Westminster, and every such Probate or Administration shall be null and void; provided that upon a valid Grant being afterwards obtained, the Acts theretofore done by any

Affidavit to be used on Application for Probate.

Copies of
Affidavits
and Sched-
ules.

Executor or Administrator shall be as valid as though such Second Grant bore Date at the Time when such First Grant was issued; provided also, that Copies of such Affidavits and Schedule shall be made and retained in the Registry of the District, and the Original thereof shall be forwarded to the Stamp Office in lieu of the Affidavit 5 of Property at present in use under the Provisions of the Statute passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third; and every Registrar appointed under this Act shall have the like Authority to administer an Oath or take Affidavits as is now and has heretofore been had, used, and exercised by a 10 Surrogate of any of the Ecclesiastical Courts.

Printed
Forms to be
provided.

XV. Every Registrar shall provide printed Forms of Application, with proper Directions for filling up the same, and printed Forms of Affidavits, applicable as far as Circumstances will permit to the different Cases likely to arise, and shall give One of each of such 15 Forms to any Person applying for Probate or Letters of Administration, without making any Charge for the same; and the Cost of such Forms shall be paid out of the Fees payable to such Registrar: Provided always, that any Application for Probate or Letters of Administration which shall contain all the requisite Particulars shall 20 be sufficient, although the Form given may not have been followed.

Registrar to
transmitPar-
ticulars of
Application.

XVI. Every such Registrar shall, immediately upon any Application for Probate or Administration or a Certificate of Intestacy being made to him, transmit through the General Post Office to the Registrar General, to be appointed as herein-after mentioned, the Particulars of such Appli- 25 cation, which Particulars shall be in such Form and contain such Matters as the said Registrar General shall from Time to Time direct..

Notice of
Objection to
Probate or
Administra-
tion.

XVII. Any Person may object to Probate or Administration or Certificate of Intestacy being granted by the Judge of the County Court or by the Registrar of the Metropolitan District herein-after mentioned, by leaving with the Registrar of the District within which 30 the deceased Person dwelt at the Time of his Death, or with the Registrar General herein-after mentioned, a Notice in Writing in One of the Forms contained in the Schedule (B.) to this Act annexed, or to the like Effect, and the Registrar receiving such Notice shall cause the same to be entered in a Book to be kept for that 35 Purpose, and to be open to the Inspection of all Persons; and the said Registrar General shall cause the same to be entered in a Book to be kept for that Purpose, and to be open to the Inspection of all Persons, and shall, as soon as he shall receive Notice of the Applica- 40 tion for Probate or Administration or Certificate of Intestacy under the Provisions herein-before contained to which such Notice of
Objection

Objection shall relate, transmit a Copy of such Notice of Objection to the District Registrar by whom such Notice shall have been sent; and such last-mentioned Registrar shall cause such Notice to be entered in a Book, and to be open to Inspection in like Manner as a
5 Notice originally left with him.

XVIII. In lieu of a Citation or other Processes now issuable from the Prerogative Court, a Summons shall be issuable by the Registrar of the District to whom under the Provisions of this Act the Application for Probate or Administration ought to be made,
10 calling upon Executors or other Persons to accept or refuse Probate or Administration, or to show Cause why it should not be granted to the Person suing out the Summons returnable before the Judge of the County Court for the District or the Registrar of the Metropolitan District, as the Case may be; and the Practice thereunder shall as
15 near as may be correspond with and be similar to the Practice now in use in the Prerogative Court with respect to such Citations or other Processes, except in so far as the same may be otherwise directed under the Provisions of this Act.

In lieu of Citation, a Summons may be issuable.

XIX. In case no such Notice of Objection shall be given, the Judge
20 of the County Court for the District in which the Application is made shall, after the Expiration of *One Calendar Month* from the Date of the Application, upon Proof made to him by the Evidence of Witnesses vivâ voce, or by Affidavit sworn before One of the Registrars to be appointed under this Act, of all such Matters as are now required
25 to be proved upon Probate of a Will in Common Form in the Prerogative Court of Canterbury, or granting Administration by such Court, or, in the Case of a Certificate of Intestacy, that the Deceased died intestate as to his Real Estate, grant Probate of the Will or the Administration or the Certificate of Intestacy for which such Appli-
30 cation is made, and shall sign the same, and cause to be affixed thereto the Seal of his County Court; and such Probate, Letters of Administration, or Certificate of Intestacy shall be issued by the Registrar for the District to whom the Application for the same was made.

If no Notice of Objection, Probate to be granted by Judge of the County Court.

XX. Where the Application has been made within the said Metro-
35 politan District, the Probate or Administration or Certificate of Intestacy shall be granted by the Registrar of the said District in like Manner as by the Judge of a County Court; and the Registrar of the said Metropolitan District shall for that Purpose be deemed to
40 be the Judge of a Court, and shall have all the Powers and Authority of a Judge of a County Court, and shall have a Seal of his Office, and shall cause the same to be affixed to every Probate or Adminis-

Probate may be granted by Metropolitan Registrar.

tration or Certificate of Intestacy granted by him; and every Person who shall forge such Seal shall be guilty of Felony.

Note of
Grant and
Will to be
transmitted
to Registrar
General.

XXI. When any Probate or Administration or Certificate of Intestacy shall be granted by the Judge of a County Court or the Registrar of the said Metropolitan District, the Registrar for the District of the County Court or the Registrar of the Metropolitan District shall forthwith after the granting of such Probate or Letters of Administration cause to be sent by the General Post to the Registrar General herein-after mentioned a Note of the granting of such Probate or Administration, containing such Particulars as the said Registrar General shall from Time to Time direct, and shall at the same Time transmit to the said Registrar General, by such Means as the said Registrar General shall direct, the Will of which Probate or Administration with the Will annexed has been granted.

Revocation
of Probate.

XXII. Where the Estate and Effects of the Deceased, whether Real or Personal, or both, exclusive of what he shall have been possessed of or entitled to as Trustee and not beneficially, shall have been sworn to be under the Value of *Three hundred Pounds*, it shall be lawful for the Judge of the County Court by whom Probate or Administration has been granted, or any of his Successors, and where the Estate and Effects aforesaid shall have been sworn to be of the Value of *Three hundred Pounds* it shall be lawful for any One of the Superior Courts of Common Law, at any Time thereafter to revoke any Probate or Administration or Certificate of Intestacy which shall have been granted as aforesaid, and thereupon a fresh Probate or Administration or Certificate of Intestacy may be applied for and granted in like Manner as if no Probate or Administration or Certificate of Intestacy had previously been granted; provided that all Payments bonâ fide made to any Executor or Administrator under any such Probate or Administration, before the Revocation thereof, shall be a legal Discharge to the Person making the same, and the Executor or Administrator acting under any such revoked Probate or Administration shall be allowed, and shall be entitled to retain and reimburse himself the Amount of any Payments made by him which the Person to whom Probate or Administration shall be afterwards granted would have been liable to make.

Probate of
Will or Grant
of Adminis-
tration of
Effects of
Person in
England,
Wales, or
Ireland to

XXIII. Every Probate or Administration granted with respect to the Effects of any Person in England or Wales shall be as valid and effectual with respect to the Personal Estate of the Deceased in Ireland or Scotland as with respect to his Personal Estate in England or Wales; and in like Manner every Probate or Administration granted by Her Majesty's Prerogative Court in Ireland with respect to the Effects of any Person dying domiciled

domiciled in Ireland shall be as valid and effectual with respect to the Personal Estate of the Deceased in Great Britain as with respect to his Personal Estate in Ireland; and every Confirmation of Executors to any Person dying domiciled in Scotland shall be as valid and
 5 effectual with respect to the Personal Estate of the Deceased in England, Wales, or Ireland as with respect to his Personal Estate in Scotland: Provided always, that no Person transferring any Personal Estate to any Person claiming under any such Probate, Administration, or Confirmation as aforesaid shall be bound to inquire into the
 10 Domicile of the Deceased, if the Fact of such Domicile shall be stated on the Face of the Probate, Administration, or Confirmation, or be in anywise affected though the Domicile of the Deceased may be untruly stated thereon.

be valid in Ireland or Scotland.
 In like Manner Probate or Administration granted by Her Majesty's Prerogative Court in Ireland to be valid in Great Britain.
 Proviso.

XXIV. The Probate of every Will granted under this Act, while
 15 such Probate continues unrevoked, shall upon Production thereof be received in all Courts and in all Suits and Proceedings whatsoever in anywise touching or affecting Real or Personal Estate, of whatsoever Nature or Tenure, excepting any Suit or Proceeding by way of Appeal against the Grant of such Probate, or for the Revocation of
 20 such Probate, as final and conclusive Evidence of the Validity and Contents of such Will, in like Manner as the Probate of a Will is now received as such Evidence in Suits and Proceedings as to Personal Estate to which such Probate extends.

Probate to be Evidence of Contents of Will as to Real as well as Personal Property.

XXV. No Person claiming any Real Estate, either at Law or in
 25 Equity, by reason or in consequence of the Death of any Person, after the Time appointed for the Commencement of this Act, wholly intestate as to his Real Estate, either as the Heir of such deceased Person or in any other Character or Capacity, shall be entitled to maintain any Action or Suit for the Recovery of such Real Estate or
 30 the Rents and Profits thereof or any Part thereof respectively, unless and until the Intestacy of the Deceased shall be shown by a Certificate of Intestacy: Provided that the Court may, if it shall so think fit, dispense with such Certificate of Intestacy in Cases of Waste, or other Cases requiring the immediate Interposition of the Court.

No Person to claim as Heir, &c. without Certificate of Intestacy.

35 XXVI. A Certificate of the Intestacy of any Deceased Person, granted by any Court, under the Provisions of this Act, while unrevoked or unrevoked, shall be conclusive Evidence, except in Suits or Proceedings in such Court, or in any Court of Appeal or having Power to recall or revoke the same, in which the Intestacy may be in
 40 contest, in all Courts and before all Tribunals, that such Person died intestate as to his Real Estate, and, except in such Suits or Proceedings as aforesaid, no Evidence to the contrary thereof shall be received or receivable.

Certificate of Intestacy.

[24.]

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XXVII. When

Effect of
Probate
taken out by
Executor as
to Real
Estate.

XXVII. When Probate of any Testator's Will, whether consisting of One Instrument only or of Two or more Instruments or Sets of Instruments, and as to such Instrument or all or any of such Instruments or Sets of Instruments operating on Real Estate as well as on Personal Estate, shall have been granted to the Executor or any One 5 or more of the Executors thereby appointed, such Probate shall enure for the Benefit of the Person or Persons to or for whose Benefit the Real Estate devised by such Testator shall have been devised.

Citation to
Executors,
&c. to prove
Will.

XXVIII. It shall be lawful for any Devisee, Creditor, or other Person interested in the Real Estate devised by any Testator's Will, 10 whether consisting of One Instrument only or of Two or more Instruments or Sets of Instruments, and as to such Instrument or all or any of such Instruments or Sets of Instruments operating as well on Real Estate as on Personal Estate, to sue out of the Court of the District in which Probate ought to be applied for a Summons summoning the 15 Executor, if any, and if there shall be no Executor then the Residuary Legatee, if any, and if there shall be neither Executor nor Residuary Legatee then the Person entitled to Administration of the Personal Estate of the Deceased with such Will annexed; and requiring such Executor, Residuary Legatee, or other Person to obtain Probate of 20 such Will or Administration of the Personal Estate of the Deceased with such Will annexed by a Time therein to be limited; and if such Executor, Residuary Legatee, or other Person, having been duly served with such Summons, shall not have taken out such Probate or Administration within the Time so to be limited, then and in such 25 Case it shall be lawful for the Court to grant a Probate of such Will at the Instance of such Devisee, Creditor, or other Person interested in such Real Estate, in order that there may be proper Evidence of such Will; but such Probate shall not give the Person applying for or obtaining the same or any other Person any Right or Title to 30 administer or in any way interfere with the Personal Estate of the Deceased, nor shall such Probate be received or receivable as any Evidence of the Title of the Executor, if any, named or appointed by the Will, or be otherwise available with respect to the Personal Estate of the Deceased: Provided that it shall be lawful for the Court, in 35 any Case in which it shall deem it expedient so to do, to direct substituted Service of such Summons, or wholly to dispense with Service thereof.

Such Grant
not to preju-
dice any sub-
sequent
Grant.

XXIX. The Grant of such Probate as last aforesaid shall in nowise prevent or prejudice any subsequent Probate or Grant of Letters of 40 Administration of the Personal Estate of the Deceased with his Will annexed, upon the Application of the Executor, Residuary Legatee, or other Person entitled to the same, but such Probate or Letters of Administration

Administration shall recite or refer to the Probate which shall have been granted as aforesaid at the Instance of such Devisee, Creditor, or other Person interested as aforesaid.

XXX. It shall be lawful for any Devisee, Creditor, or other Person
 5 interested in the Real Estate devised by any Testator's Will (whether consisting of One Instrument or Two or more Instruments or Sets of Instruments) operating on Real Estate only to obtain Probate of such Will, which Probate shall enure for the Benefit of all the Devisees under the same Will; but such Probate shall not give the Person
 10 obtaining the same any Right or Title to administer or in anywise to interfere with the Personal Estate of the Deceased.

Devisee of Real Estate devised by a Will may obtain Probate of such Will.

XXXI. Letters of Administration of the Personal Estate of any deceased Person with his Will annexed, where such Will operates on Real Estate as well as on Personal Estate, shall have the same Operation and Effect as to the Real Estate devised by such Will as a
 15 Probate thereof would have had if taken out by an Executor therein named or appointed.

Administrator of Personal Estate to administer Real Estate also.

XXXII. Where a Person shall die leaving One Testamentary Instrument or One Set of Testamentary Instruments affecting Real
 20 Estate only, and another Testamentary Instrument or Set of Testamentary Instruments affecting Personal Estate only, Probate of the Testamentary Instrument or Set of Testamentary Instruments affecting the Testator's Real Estate shall be granted separately from the Probate or Administration with the Will annexed which may be
 25 granted with respect to the Testator's Personal Estate; but it shall not be lawful for the Court in any other Case to grant separate Probates of separate Testamentary Instruments of the same Testator, or separate Administrations with separate Testamentary Instruments annexed of different Portions of the Personal Estate of the same
 30 Testator.

Where a Person dies, leaving an Instrument affecting Real Estate, and another Instrument Personal Estate, separate Probate to be granted, but in no other Case.

XXXIII. Wherever the Court grants Probate of any Will or Administration with the Will annexed, without expressly restricting the same to the Real Estate or to the Personal Estate of the Testator, such Probate or Administration, while unrecalled or unrevoked, shall
 35 be conclusive Evidence in all Courts and before all Tribunals that the Testator left no other Will or Testamentary Instrument.

Grant of Probate or Administration unrestricted as to Real or Personal Estate to be conclusive Evidence that Testator left no other Will.

XXXIV. Wherever the Court grants Probate of any Will or Administration with the Will annexed restricting the same either to the Real Estate or to the Personal Estate of the Testator, such Probate or
 40 Administration, while unrecalled or unrevoked, shall be conclusive Evidence

Grant of Probate or Administration restricted to Real or Personal Estate

to be con-
clusive Evi-
dence in like
Manner.

Evidence in all Courts and before all Tribunals that the Testator left no other Will or Testamentary Instrument affecting the Real Estate of the Testator, or his Personal Estate, as the Case may be.

Expense of
Probate to
be borne
by Person
applying for
same.

XXXV. The Expense of obtaining Probate of a Will by or at the Instance of a Devisee, Creditor, or other Person interested in the Real Estate devised thereby shall be borne by the Person applying for the same out of the Estate or Interest taken by such Person under such Will, and in the Case of a Creditor out of the Estate thereby devised.

Where No-
tice of Ob-
jection given
and Property
of Deceased
sworn under
300*l.*, Judge
of the County
Court to hear
and deter-
mine Appli-
cation.

Grounds of
Objection
and Answer
thereto to be
delivered.

XXXVI. In case any Notice of Objection shall be given as afore- 10
said, and the Estate and Effects of the deceased Person, both Real and
Personal, exclusive of what he shall have been possessed of as a
Trustee, and not beneficially, shall have been sworn to be under the
Value of *Three hundred Pounds*, the Judge of the County Court
shall hear and determine the Application for Probate or Administra- 15
tion or Certificate of Intestacy; and the Person applying shall give
to the Person objecting Notice in Writing of his Intention to proceed
with his Application; and the Person who shall have given such
Notice of Objection shall within *Eight Days* thereafter give to the
Person applying a Statement in Writing of his Grounds of Objec- 20
tion, signed by such Person or by his Attorney; and thereupon
the Person applying shall, within *Eight Days* after the Service
of such Statement upon him, give to the Person so objecting his
Answer in Writing to such Grounds of Objection, either by way
of Denial or in Confession and Avoidance thereof, or of Objection 25
thereto for Insufficiency; and Copies of such Statement and Answer
shall be left with the Registrar for the District by the Parties respec-
tively making the same, *Two Days* at least before the Day appointed
for hearing the Application.

Power to
Judge to
extend Time
for deliver-
ing State-
ment or
Answer.

XXXVII. It shall be lawful for the Judge of the County Court to 30
extend the Time for delivering any such Statement or Answer to
such Period and from Time to Time as he shall think fit; and if any
Part of such Statement or Answer be framed so as to prejudice,
embarrass, or delay the fair Trial or Hearing of the Question whether
the Probate or Administration or Certificate of Intestacy should be 35
granted, the opposite Party may apply to the Judge of the County
Court to strike out or amend such Part of such Statement or Answer,
and such Judge shall make such Order respecting the same, and also
respecting the Costs of the Application, as such Judge shall see fit.

Holding of
Courts for
granting
Probate.

XXXVIII. The Judge of the County Court may grant Probates, 40
Administrations, and Certificates of Intestacy, at any County Court
holden

holden by him within his Circuit, as he shall think fit; and Notice of the Courts at which Probates, Administrations, and Certificates of Intestacy will be granted, and of the Days on which and the Places at which such Courts will be holden, shall be put up in some
5 conspicuous Place in the Office of the District Registrar.

XXXIX. The Party applying for Probate or Administration or a Certificate of Intestacy shall give to the Party objecting thereto Notice in Writing of his Intention to apply for the same, stating therein the Time and Place appointed for holding the Court at
10 which such Application is intended to be made, *Ten Days* at least before the Day appointed for the holding of such Court; and if on the Day named in such Notice, or at any Continuation or Adjournment of the Court, the Party objecting shall not appear or sufficiently excuse his Absence, or shall neglect to answer when called in Court,
15 the Judge, upon due Proof of the Service of such Notice, shall proceed to hear the Application in the Absence of such Parties.

Notice of Intention to apply, and Mode of proceeding, where Party objecting does not appear.

XL. Upon the hearing of the Application the Judge shall require the Will to be proved by Witnesses in like Manner as is now required by the Practice of the Ecclesiastical Courts upon Probate of Wills in
20 solemn Form of Law; and any Person claiming as Heir-at-Law, or One of the next of Kin, or as a Devisee, Legatee, Creditor, or otherwise interested in the Real or Personal Estate of the deceased Person, shall be entitled to appear and be heard before such Judge; and the Judge, after hearing the whole Matter, shall grant or refuse Probate
25 or Administration or the Certificate of Intestacy, as he may be advised, and make such Order respecting the Costs of the Proceedings as he shall see fit, and such Costs shall be taxed by the Registrar for the District.

Mode of proving Will.

Parties entitled to be heard.

Cost of Proceedings.

XLI. It shall be lawful for any Person entitled to appear and be heard upon any Application for Probate or Administration or Certificate of Intestacy to require any Question of Fact upon the Determination of which the Validity of such Will or any Part thereof, or the Title to such Administration or Certificate of Intestacy, shall or
30 may depend, to be tried by a Jury.

Questions of Fact may be tried by a Jury.

XLII. The Person so requiring a Jury shall give to the Registrar
35 of the District, or leave at his Office, such Notice thereof as is required by the Practice of the County Court where a Plaintiff or Defendant in an Action requires a Jury to be summoned to try the same, and shall also give Notice thereof to the Person applying for Probate or Administration or a Certificate of Intestacy, or objecting thereto, or
40 who shall have given Notice of his Intention to appear upon the
[24.] B 3 hearing

Notice of Jury to be given.

hearing of the Application, and shall at the Time of giving the said Notice to the said Registrar, and before he shall be entitled to have such Jury summoned, pay to the said Registrar the Sum of *Five Shillings* for Payment of the Jury, and such Sum shall be considered as Part of the Costs of such Party. 5

Verdict of Jury to be conclusive.

XLIII. The Verdict of the Jury upon any such Question of Fact (unless the same shall be set aside, and a new Trial be directed,) shall be conclusive upon the Judge of the County Court, and in all further Proceedings upon the Application respecting which such Trial shall have been had the said Judge shall assume such Fact to be found as by the Jury, and shall at the same or some subsequent Court, if he think fit, decide upon the Application accordingly, and shall make such Order respecting the Costs of the Proceedings as he shall see fit, and such Costs shall be taxed by the Registrar. 10

How Costs to be recovered.

XLIV. Where the said Judge shall direct any such Costs to be paid by any Person to any other Person, Execution may issue for the Recovery of such Costs, in like Manner as if the same had been Costs in an Action in the County Court, and the said Judge had made a similar Order in such Action. 15

New Trial may be granted.

XLV. The Judge of the County Court, upon Application, to be made within such Time as may be limited by any Rule or Order to be made under and by virtue of the Provision herein-after contained for and concerning the Practice and Proceedings under this Act, by any Party entitled to appear, may grant and direct a new Trial of such Question, and such new Trial shall take place in the Manner herein- before directed with regard to the First Trial of such Question, and the Verdict of the Jury shall be of the same Force and Effect, and so from Time to Time as often as to such Judge shall seem fit; and the said Judge may also direct such Costs to be paid as to him shall seem fit upon any Application for a new Trial, or upon any Second or other new Trial, and may direct by whom and to whom, and at what Times and in what Manner, such Costs shall be paid. 20 25 30

Appeal from Judge of the County Court.

XLVI. Any Party entitled to appear and be heard as aforesaid, who shall be dissatisfied with the Determination or Direction of the said Judge of the County Court in point of Law, or upon the Admission or Rejection of any Evidence, may appeal from the same to any of the Superior Courts of Common Law, in like Manner as is provided by the Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of Her present Majesty, Chapter Sixty-one, and the Provisions of the said Act shall extend to and be applicable to such Appeals. 35 40

XLVII. All

XLVII. All Jurisdiction, Power, and Authority now held, used, and exercised by the Judges of the County Courts in England and Wales in any Action or Proceeding in such Courts shall, so far as the same may be applicable thereto, be had, used, and exercised by the said Judges in any Proceeding under this Act; and such of the said Judges of the said County Courts as now are or shall be hereafter authorized and appointed by the Lord Chancellor to frame General Rules and Orders for and concerning the Practice and Proceedings of the said County Courts shall have the like Power to frame General Rules for and concerning the Practice and Proceedings under this Act, and such Rules and Orders shall be certified to the Lord Chancellor, and submitted to the Judges of the Superior Courts of Common Law, and laid before the Houses of Parliament, and have Effect, in like Manner as such first-mentioned Rules and Orders for and concerning the Practice and Proceedings in the said County Courts.

Power of the Judges of the County Courts to make Rules of Practice, &c.

XLVIII. So much of an Act of Parliament passed in the Twenty-first Year of King Henry the Eighth, Chapter Five, and of an Act passed in the Twenty-second and Twenty-third Years of the Reign of King Charles the Second, Chapter Ten, and of an Act passed in the First Year of the Reign of King James the Second, Chapter Seventeen, as require any Surety, Bond, or other Security to be taken from a Person to whom Administration shall be granted, shall be and the same is hereby repealed.

Repeal of certain Statutes.

XLIX. Every Person to whom any Grant of Administration shall be committed shall give Bond to the Judge of the Court or Registrar of the Metropolitan District by whom Administration shall be granted, and if the Court shall so require, with One or more Surety or Sureties, conditioned for duly collecting, getting in, and administering the Personal Estate of the Deceased, which Bond shall be in such Form as the Judges of the Superior Courts under the Authority herein-after contained shall from Time to Time by any General Order direct.

Bond to be given.

L. Such Bond shall be in a Penalty of *double* the Amount under which the Estate and Effects of the Deceased shall be sworn, unless the Court shall in any Case think fit to direct the same to be reduced, in which Case it shall be lawful for the Court so to do, and also to direct that more Bonds than One shall be given, so as to limit the Liability of any Surety or Sureties to such Amount as the Court shall think reasonable.

Amount of Bond.

LI. Where the Personal Estate and Effects of which Probate or Administration shall have been granted, exclusive of what the Deceased shall

Where Estate under 300*l.*, Judge

of County
Court to
have Powers
of a Court of
Equity.

have been possessed of or entitled to as a Trustee, and not beneficially, shall have been sworn to be under the Value of *Three hundred Pounds*, the Judge of the County Court by which such Probate or Administration shall have been granted shall have, use, and exercise over the Executors or Administrators to whom Probate or Administration shall have been granted and otherwise in relation to the Administration or Distribution of the Personal Estate and Effects of the deceased Person, the same Jurisdiction, Power, and Authority as is now had, used, or exercised by the Court of Chancery; and General Rules and Orders for and concerning the Practice and Proceedings in such Cases shall and may be framed by the Judges of the County Courts, under the Provision herein-before contained.

Rules of
Practice to
be framed.

Where No-
tice of Ob-
jection, and
Estate above
300*l.*, Pro-
bate or Ad-
ministration
to be granted
by Superior
Courts of
Common
Law.

LII. Where any Notice of Objection as aforesaid shall have been given, and the Estate and Effects of the deceased Person, whether Real or Personal, or both, exclusive of what he shall have been possessed of or entitled to as a Trustee, and not beneficially, shall have been sworn to be of the Value of *Three hundred Pounds*, the Application for Probate or Administration or Certificate of Intestacy shall be made to One of the Superior Courts of Common Law, and the Person applying shall give Notice in Writing to the Person objecting of his Intention to apply to One of such Courts, stating therein the Court to which the Application is intended to be made, and shall also serve upon or leave at the Office of the Registrar to whom the Application was originally made a Copy of such Notice.

Where No-
tice of Ob-
jection in
Metropolitan
District, Pro-
bate or Ad-
ministration
to be granted
by Superior
Courts.

LIII. Where the Application shall have been made to the Registrar of the Metropolitan District, and Notice of Objection as aforesaid shall have been given, the Application for Probate or Administration or a Certificate of Intestacy shall in like Manner be made to One of the Superior Courts of Common Law, and Notice of the Intention to apply for the same shall be given in like Manner as herein-before provided.

Delivery of
Grounds of
Objection
and Answer.

LIV. Within Days after the Service of such last-mentioned Notice of Intention to apply for Probate or Administration or a Certificate of Intestacy, the Person objecting to Probate or Administration or a Certificate of Intestacy being granted shall deliver to the Person applying for the same a Statement in Writing of his Grounds of Objection; and the Person applying shall, within

Days after the Delivery of such Statement to him, deliver to the Person so objecting his Answer in Writing to such Grounds of Objection, either by way of Denial, or in Confession and Avoidance thereof, or of Objection thereto for Insufficiency.

LV. It

LV. It shall be lawful for a Judge of any of the said Superior Courts from Time to Time to order that the Time for delivering any Statement of Objections, or Answers thereto, shall be extended to such Period as he shall think fit; and if any such Statement or Answer be framed so as to prejudice, embarrass, or delay the fair Trial or Hearing of the Question whether the Probate or Administration or Certificate of Intestacy should be granted, the opposite Party may apply to a Judge of any of the said Superior Courts to strike out or amend such Part of such Statement or Answer, and such Judge shall make such Order respecting the same, and also respecting the Costs of the Application, as such Judge shall see fit.

Powers of Judges of Superior Courts to extend Time and order Amendments.

LVI. When and so soon as such Answer in Writing shall have been delivered, the Person seeking to obtain Probate or Administration or a Certificate of Intestacy may apply to One of the Superior Courts of Common Law, or to a Judge of the same Court, for a Rule or Order that the Matter of such Application shall be heard by One of the Judges of the said Court, or by One of the Judges of Assize for any County in England or Wales, and thereupon the said Court or Judge shall make such Rule or Order for and concerning the said Hearing as they or he shall think fit.

Rule or Order for Hearing before Judge of the Court or Judge of Assize.

LVII. Copies of such Statement and Answer shall be delivered by the Parties respectively making the same to the Judge who shall be appointed to hear the Application *Two Days* at least before the Day appointed for hearing such Application.

Copies of Statement and Answer to be delivered to Judge.

LVIII. Where by any such Rule or Order the Matter shall be directed to be heard by One of the Judges of the said Court, the same may be heard at any of the Sittings at Nisi Prius for London or Middlesex, or at any other Time and Place, as the Court or Judge making such Order may appoint; and where the Matter shall be directed to be heard by a Judge of Assize, the same shall be heard before One of the Judges of Assize at the Assizes for the County to be named in the said Order for Hearing, or at such other Time and Place as the said Judge of Assize shall appoint.

Hearing to be at Nisi Prius Sitings for London or Middlesex or at Assizes.

LIX. The Judge by whom any such Application shall be heard shall have, use, and exercise all the Powers and Authority of a Judge sitting at Nisi Prius, and the several Witnesses shall be sworn and examined in like Manner as upon a Trial at Nisi Prius, and any Person claiming as Heir-at-Law, or One of the next of Kin, or as a Devisee, Legatee, Creditor, or otherwise interested in the Real or Personal Estate of the deceased Person, shall be entitled to appear and be heard.

Judge to have Powers of Judge sitting at Nisi Prius, and Witnesses to be sworn and examined.

Judge may direct Probate to be forthwith issued, or may report to the Court.

Court may grant Probate or direct Rehearing.

Where Probate granted by Judge, Parties may apply for Rehearing.

Power to enlarge Time for making Report.

Where Judge has not granted Probate Court may do so.

Probates issued by Superior Court to be under Seal, and Will to

LX. The said Judge shall and may, if he think fit, at any Time before he shall make his Report to the Court, as herein-after mentioned, direct the Probate or Letters of Administration or Certificate of Intestacy to be forthwith issued, and thereupon such Probate or Letters of Administration or Certificate of Intestacy shall be issued 5 accordingly; or the said Judge may, if he think fit, make his Report to the Court by which or by One of the Judges whereof such Rule or Order shall have been made, in like Manner as is the Practice upon Applications for new Trials in the said Superior Courts; and the said Court shall and may thereupon grant or refuse the Probate or 10 Letters of Administration or Certificate of Intestacy, or may direct the Matter to be reheard before the same or any other Judge of the Court or Judge of Assize, as they may be advised.

LXI. Where the Judge by whom the Matter shall have been heard shall have directed Probate or Letters of Administration or a Certifi- 15 cate of Intestacy to be issued, the Court by which or by One of the Judges whereof such Rule or Order shall have been made may, upon the Application of either Party, within the first *Four* Days of the ensuing Term, or, if the Matter shall have been heard in Term, before the Expiration of the same Term, require the said Judge to 20 make his Report to the said Court, and may proceed thereupon in the like Manner as if no Probate or Administration or Certificate of Intestacy had been issued, and revoke or suspend the same, as they may think fit, and if the same shall not be revoked or suspended such Probate or Letters of Administration or Certificate of Intestacy 25 shall for all Purposes be deemed to have been granted and issued by and under the Judgment of the said Court.

LXII. The Court to which any such Application shall be made shall have the Power to enlarge the Time for the Judge to make his Report to such further Period as they shall think fit. 30

LXIII. Where the Judge by whom the Matter shall have been heard shall not have directed Probate or Administration or a Certificate of Intestacy to be issued under the Provisions aforesaid, the Court may, at any Time during the ensuing or any subsequent Term, upon the Application of the Party seeking for Probate or Adminis- 35 tration or a Certificate of Intestacy, direct such Probate or Administration or Certificate of Intestacy to be issued.

LXIV. All Probates, Letters of Administration, and Certificates of Intestacy issued by any of the said Superior Courts shall be under the Seal of the said Court, and shall be issued by an Officer of the 40 Court to be appointed for that Purpose, who shall be called the Clerk of
of

of Probates, and such Officer shall forthwith cause to be sent by the General Post to the Registrar General herein-after mentioned a Note of the granting of such Probate or Administration or Certificate of Intestacy, containing such Particulars as the said Registrar General shall from Time to Time direct, and shall at the same Time transmit to the said Registrar General, by such Means as the said Registrar General shall direct, the Will of which Probate or Administration with the Will annexed has been granted.

be trans-
mitted to
Registrar
General.

LXV. It shall be lawful for any Party to any Proceedings for establishing any Will or Intestacy, or for obtaining, recalling, or revoking any Probate, Administration, or Certificate of Intestacy, to apply to the Court in which the Proceedings shall be pending in a summary Way for an Order calling upon any Person, though not a Party to the Cause, to produce and bring in to the Office of the Court, or otherwise as the Court may direct, any Paper or Writing being or purporting to be testamentary, made or purporting to be made by or for the deceased Person whose Will shall be in contest in the Cause, which may be shown to be in the Possession or under the Control of such Person; and if it shall not be shown that any such Paper or Writing is in the Possession or under the Control of such Person, but it shall appear that there are reasonable Grounds for concluding that he has the Knowledge of any such Paper or Writing, it shall be lawful for the Court to direct such Person to be examined upon Interrogatories respecting the same, and such Person shall be bound to answer such Interrogatories, and, if so ordered, to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default in not answering such Interrogatories, or not producing or bringing in such Paper or Writing, as he would have been subject to in case he had been a Party to the Cause and had made such Default as aforesaid; and the Costs of all such Proceedings and of such Production as aforesaid shall be in the Discretion of the Court.

Order to pro-
duce any
Instrument
purporting
to be testa-
mentary.
Practice
thereon.

LXVI. The Clerks of Probates shall be from Time to Time appointed by the Chief Justice or Chief Baron of the said Courts respectively, and the first appointed shall be Registrars or Proctors of One of the Ecclesiastical Courts of Doctors Commons, and shall hold their Office during good Behaviour, subject to be removed by the Chief Justice or Chief Baron respectively for good and reasonable Cause, with the Approbation of the Lord Chancellor.

Clerks of
Probates
to be ap-
pointed.

LXVII. It shall be lawful for any Person entitled to appear and be heard upon the Hearing of any Application for Probate of a Will or Grant of Administration or a Certificate of Intestacy to require

Questions of
Fact may
be tried by a
Jury.

any Question of Fact upon the Determination of which the Validity of such Will or any Part thereof, or the Title to such Administration or Certificate of Intestacy, shall or may depend, to be tried by a Special or a Common Jury, and thereupon the Rule or Order for the Hearing shall direct the same to be so tried, and such 5 Question shall be tried by and before a Jury, whether special or common, at the Sittings at Nisi Prius, or the Assizes at which such Trial shall be ordered to be had, in like Manner as if the same were an Issue joined in a Cause depending in One of the said Superior Courts. 10

New Trial may be ordered; if not, Verdict to be conclusive.

LXVIII. The Verdict of the Jury upon such Question shall be reported to the Court by the Judge before whom the same was tried, and such Court, upon Application to be made within the first *Four* Days of the Term next after the Trial by any Party interested, or if the same shall have been tried in Term, before the Expiration of the 15 same Term, may order and direct a new Trial to be had of such Question at the Sittings at Nisi Prius, or Assizes for the same or any other County; and if no new Trial shall be ordered or directed the Verdict of the Jury shall be conclusive upon the Question which shall have been tried, and the said Court shall assume such Fact to be as 20 found by the Jury, and shall and may give Judgment for or against the granting of Probate or Administration or Certificate of Intestacy, as they may be advised.

Advocates admitted to practise as Barristers.

LXIX. All Persons who at the Time of the passing of this Act are Advocates of the Court of Arches shall be entitled to practise as 25 Counsel in any of Her Majesty's Courts of Law or Equity in England or Wales, in like Manner in all respects, and with the same Rank and Precedence, and the same Eligibility to Appointments under Acts of Parliament or otherwise, as if they had respectively been duly called to the Degree of Barrister-at-Law on the Day on which they respec- 30 tively were admitted as Advocates in the said Court of Arches, and that nothing herein contained shall affect the Rank or Precedence of the Queen's Advocate for the Time being.

Notaries and Proctors entitled to practise in County Courts, and Notaries and Proctors of Doctors Commons in Superior Courts.

LXX. All Persons now entitled to act as Notaries and Proctors in any Ecclesiastical Court in England or Wales, and all Persons now 35 actually serving under Articles to any such Persons, when admitted as Proctors of any Ecclesiastical Court, shall be entitled to act in any Proceeding under this Act in any County Court; and all Persons now entitled to act as Notaries or Proctors in the Ecclesiastical Courts at Doctors Commons, and all Persons now actually serving 40 under Articles as Clerks to such last-mentioned Persons, when admitted as Proctors of any of the Ecclesiastical Courts at Doctors Commons,

Commons, shall be entitled to act in any Proceeding under this Act in any of the said Superior Courts, upon signing the Roll of the said Court.

LXXI. The Costs of all Proceedings in the said Superior Courts, Cost of Proceedings.
 5 and of the Hearing or Trial before any Judge or Jury, in relation to Probates of Wills or Letters of Administration or Certificates of Intestacy, shall be in the Discretion of the Court in which such Proceedings shall be had, and the said Court shall direct by and to whom the same shall be paid, and such Costs shall be taxed by One
 10 of the Masters of the said Court, and be recovered in like Manner as Costs ordered to be paid by a Rule of the said Court.

LXXII. Where any Probate or Certificate of Intestacy shall have Revocation of Probates where Grant has been disputed.
 been granted under the Provisions herein-before contained with respect to Probates or Certificates of Intestacy to the granting of
 15 which Notice of Objection shall have been given, it shall be lawful for any One of the said Superior Courts, upon the Application of any Person who would have been entitled to appear and be heard upon the granting of such Probate or Certificate of Intestacy, within *Five Years* after the granting thereof, or where any Person entitled
 20 as aforesaid, and who shall apply to have the same revoked, was at the Time of the granting thereof under any of the Disabilities herein-after mentioned, (that is to say,) Infancy, Coverture, Idiocy, Lunacy, Unsoundness of Mind, or Absence beyond Seas, then within *Five Years* next after the Time at which such Person shall have ceased
 25 to be under any such Disability, to revoke such Probate or Certificate of Intestacy, and in any Proceeding for the Revocation thereof the Parties thereto shall have the like Power of requiring any Question of Fact to be tried by a Jury, and such Question shall be tried in like Manner and the Trial thereof be attended with the like Con-
 30 sequence as is herein-before provided with respect to granting Probates or Administration or Certificates of Intestacy by the said Superior Courts: Provided always, that any Payments which shall have been made by any Executor under any Probate which shall be so revoked shall be valid, in like Manner as is herein-before provided
 35 with respect to the Revocation of Probates granted by a Judge of a County Court.

LXXIII. Probate and Administration may be granted in the Form Form of Probate and Administration.
 or to the Effect set forth in the Schedule (B.) to this Act, with such Variations as the Nature and Circumstances of the Case may
 40 require.

Power as to
Appoint-
ment of
Adminis-
trator.

LXXIV. Where a Person has died or shall die wholly intestate as to his Personal Estate, or leaving a Will affecting Personal Estate, but without having appointed an Executor thereof willing and competent to take Probate, and it shall appear to the Court having Jurisdiction to grant Probate or Administration to be necessary or convenient in 5 any such Case to appoint some Person to be the Administrator of the Personal Estate of the Deceased, other than the Person who, if this Act had not passed, would by Law have been entitled to a Grant of Administration of such Personal Estate, it shall not be obligatory upon such Court to grant Administration to the Person who, if this 10 Act had not passed, would by Law have been entitled to a Grant thereof, but it shall be lawful for such Court, in its Discretion, to appoint such Person as the Court shall think fit to be such Administrator, upon his giving such Security (if any) as the Court shall direct. 15

Administra-
tion pendente
lite.

LXXV. It shall be lawful for the Court in which any Suit shall be pending touching the Validity of any Will of any deceased Person, or for the obtaining, recalling, or revoking any Probate of a Will or any Grant of Letters of Administration of the Personal Estate of any deceased Person, to appoint an Administrator of the Personal Estate 20 of such deceased Person, and the Administrator so appointed shall have all the Rights and Powers of general Administrators, other than the Right of distributing the Residue of such Personal Estate after Payment of the Funeral Expenses and Debts of such deceased Person, except so far as such Rights and Powers may be limited or 25 restricted by any Order of the said Court, and every such Administrator shall be subject to the immediate Control of the said Court, and act under its Direction.

Receiver of
Real Estate.

LXXVI. It shall be lawful for the Court aforesaid to appoint a Receiver of the Real Estate of any deceased Person pending any Suit 30 in the Court touching the Validity of any Will of such deceased Person.

Remunera-
tion to Ad-
ministrators
and Receiv-
ers pendente
lite.

LXXVII. It shall be lawful for the Court aforesaid to direct that Administrators and Receivers appointed by the Court pending Suits therein should receive out of the Personal or Real Estate of the 35 Deceased (as the Case may be) such reasonable Remuneration as the Court shall think fit.

Power of
Judges to
make Rules,
&c.

LXXVIII. The Judges of the said Superior Courts shall have the same Power and Authority to make General Rules and Orders with respect to Proceedings under this Act as is given to the said Judges by 40 the Common Law Procedure Act, 1852, and by an Act passed in the Thirteenth and Fourteenth Years of the Reign of Her present

present Majesty, Chapter Sixteen, and all the Powers and Authority now had, used, and exercised by the said Superior Courts, or by any Judge thereof, shall and may be had, used, and exercised in Proceedings under this Act, so far as the same may be applicable
5 thereto.

LXXIX. It shall be lawful for any Person aggrieved by the Judgment or Decision of any of the said Superior Courts, granting or refusing Probate of any Will or Administration or Certificate of Intestacy, or a new Trial of any Question of Fact which shall have
10 been tried by a Jury under the Provisions aforesaid, to appeal to Her Majesty in Council; and the Provisions of an Act passed in the Third and Fourth Years of the Reign of His Majesty King William the Fourth, Chapter Forty-one, shall extend to and be applicable to such Appeals, in like Manner as if the same were re-enacted
15 herein.

Power of Appeal.

LXXX. Upon any such Appeal the Notes of the Evidence taken by or under the Direction of the Judge who shall have heard the Application for Probate or Administration or Certificate of Intestacy, or before whom any Question of Fact shall have been tried and
20 certified by such Judge, shall be admitted to prove the oral Evidence given in the course of such Hearing or Trial; and no Evidence shall be admitted on such Appeal to contradict the Notes of Evidence so taken and certified, but it shall be lawful for the Judicial Committee of the Privy Council to summon any Witness or Witnesses
25 to be examined or re-examined upon such Facts as to the said Committee shall seem fit; provided that where any Question of Fact shall have been tried by a Jury the Verdict of the Jury thereon shall, unless the same shall be set aside, be conclusive.

Evidence upon Appeal.

LXXXI. Every Executor or Administrator shall, within *Twelve*
30 Calendar Months after the Grant of Probate or Administration to him shall have been made, file in the Office of the Court by which Probate or Administration shall have been granted an Inventory of the Estate and Effects of the Deceased for or in respect of which the Probate or Administration shall have been granted, in such Form,
35 containing such Particulars, and accompanied by an Affidavit in such Form or to such Effect, as any Rule or Order to be made under the Provisions of the Act shall direct.

Executor or Administrator within Twelve Months to file Inventory of Effects of Deceased.

LXXXII. If any Executor or Administrator shall neglect to file such Inventory and Affidavit as aforesaid within the aforesaid Period
40 of *Twelve* Calendar Months, or within such further Time as shall be allowed by the said Court for the Purpose, it shall be lawful for any Person interested in the Estate of the Deceased to apply in a summary

In case of Neglect of Executor or Administrator to file Inventory within such

Way to the said Court, and upon such Application it shall be lawful for such Court to order that such Inventory and Affidavit shall be filed within such Time as the Court shall think fit, and to award such Costs against the Executor or Administrator, either personally or out of the Estate, as it shall think fit. 5

Court to have like Control over Wills, &c. as the Prerogative Court.

LXXXIII. The Court in which any Application for Probate shall be heard and determined shall have the same or the like Power and Control over all Wills and Testamentary Instruments, and over all Papers or Writings purporting to be testamentary, as the Prerogative Court now has or can exercise with respect to Matters within the Jurisdiction of the same Court. 10

Fees to be taken.

LXXXIV. It shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby required to prepare or cause to be prepared a Table or Tables of Fees, specifying what Fees are proper to be demanded and taken by the Registrars and Clerks of Probates to be appointed under this Act, and in the County Courts and Superior Courts of Common Law, and Courts of Assize and Nisi Prius, and by the Officers thereof, in respect of any Proceedings under this Act; and such Table or Tables shall be laid for Approval before the Judges of the said Superior Courts, and the said Judges, or any Six or more of them, of whom the Lord Chief Justices and the Lord Chief Baron shall be Three, are hereby empowered and required, as soon as conveniently may be, to revise and settle the said Table or Tables of Fees so prepared as aforesaid, and from Time to Time to add to, or reduce, alter, or amend the same, as they may deem necessary and proper, and the said Table or Tables of Fees so revised and corrected as aforesaid from Time to Time to allow and sanction by affixing their Signatures respectively thereto, and to establish the same; and the said Commissioners of Her Majesty's Treasury are required, so soon and as often as each Table or Tables of Fees have been sanctioned and allowed by the Judges, to cause the same to be inserted and published in the London Gazette, and from and after such Publication no other Fees than those sanctioned and allowed as aforesaid shall on any Pretence whatever be demanded or taken in respect of any Proceedings under this Act. 35

General Registry of Probates and Administrations.

LXXXV. It shall be lawful for Her Majesty to provide a proper Office in London or Westminster, to be called "The General Registry of Probates and Administrations," for keeping a Register of all Probates of Wills, Letters of Administration, and Certificates of Intestacy, granted in England and Wales, and to appoint for the said Office, under the Great Seal of the United Kingdom, a Registrar General 40

General, and from Time to Time to remove the said Registrar General, and appoint some other Person in his Room.

LXXXVI. The Commissioners of Her Majesty's Treasury, or the said Registrar General, subject to the Approval of the said Commissioners, shall appoint from Time to Time such Officers, Clerks, and Servants as they shall deem necessary to carry on the Business of the said General Registry, and at Pleasure to remove them or any of them; and the said Commissioners shall fix the Salary of the said Registrar General, so that the same shall not at any Time exceed the Sum of *Pounds* yearly, and shall fix the Salaries of the Officers, Clerks, and Servants in fit Proportions, according to the Duties they may have to perform.

Appoint-
ment of
Clerks and
Servants.

Commis-
sioners of
Treasury to
fix Salary of
Registrar
General and
other Offi-
cers.

LXXXVII. One of Her Majesty's Principal Secretaries of State from Time to Time may make Regulations for the Management of the said Register Office, and for the Duties of the said Registrar General, Clerks, Officers, and Servants of the said Office, and the Regulations so made and approved shall be binding on the said Registrar General, Clerks, Officers, and Servants.

One of the
Secretaries
of State to
make Regu-
lations for
Management
of Register
Office.

LXXXVIII. All Wills, Writings and Appointments in the Nature of Wills, which shall be proved in or of which Administration with the Will annexed shall be granted by any County Court in England or Wales, or any of the Superior Courts of Common Law, and Notes of all Administrations and Certificates of Intestacy which shall be granted by any of the said Courts, shall be deposited and preserved in the said General Registry Office, and shall be there arranged and numbered in such Manner as the said Registrar General shall think proper.

Wills, &c.
to be de-
posited in
General
Registry.

LXXXIX. The Registrar General shall cause as many printed Copies to be made of any Will or Administration or Certificate of Intestacy deposited in the said General Registry Office as he shall think necessary, for Inspection and Sale, having regard to the Nature of the Instrument, the Amount of the Property, and the probable Demand for Copies thereof.

Printed
Copies of
Wills de-
posited to be
made for
Inspection
and Sale.

XC. Official printed Copies of Wills or Administrations to be proved or granted after this Act shall come into operation shall, so long as any Copies retained for Sale shall be undisposed of, be issued by the Registrar General to any Person applying for the same, on Payment of such Fee as shall be fixed for the same under the Provision herein-after contained.

Official
printed
Copies of
Wills and
Administra-
tions to be
issued to any
Persons ap-
plying for
same, on Pay-
ment of Fee.

Printed
Copy to be
stamped.

XCI. Every printed Copy issued by the Registrar General shall be stamped in such Manner as to denote the Amount of ad valorem Duty which has been paid in respect of such Probate or Administration.

Official
written Copy
of Part of a
Will may
nevertheless
be obtained.

XCII. Notwithstanding the Provisions herein-before contained, an official written Copy of any Part or Portion of a Will, or of the whole thereof, may be obtained from the General Registry Office, on Payment of such Fee as shall be fixed for the same, under the Provisions herein-after contained.

A Note con-
taining Par-
ticulars
to be adver-
tised in
London Ga-
zette.

XCIII. The Registrar General shall also, within such Time after the Grant of any Probate or Administration or Certificate of Intestacy as shall be appointed by the Lord Chancellor, cause a Note of such Probate or Administration or Certificate of Intestacy containing such Particulars as the Lord Chancellor shall direct to be advertised in the London Gazette.

This Act
not to affect
the Stamp
Duties on
Probates and
Administra-
tions.

XCIV. Nothing in this Act contained shall affect the Stamp Duties now by Law payable upon Probates of Wills and Letters of Administration; and all the Clauses, Provisions, Rules, Regulations, and Directions contained in any Act of Parliament relating to the said Duties, and to Wills, Probates of Wills, and Letters of Administration, for securing the said Duties, not superseded by or inconsistent with the express Provisions of this Act, shall be in full Force, and shall be observed, applied, and put in execution for securing the Duties payable on the Probates of Wills and Letters of Administration granted under this Act, as if such Duties had been granted by this Act, and the said Clauses, Provisions, Rules, and Regulations relating thereto were herein repeated and specially enacted: Provided that in estimating the Duty payable upon any Probate or Administration the Value of the Real Estate of the Deceased shall not be included.

Value of
Real Estate
not to be
included.

The Regis-
trar to de-
liver Copies
of Wills, &c.
to the Com-
missioners
of Inland
Revenue.

XCV. The several District Registrars, Registrar of the Metropolitan District, and Clerks of Probate shall, within a Week after Probate of any Will or Letters of Administration shall have been granted, deliver or cause to be delivered to the Commissioners of Inland Revenue, or their proper Officer, the following Copies respectively, that is to say, in the Case of a Probate or Administration with a Will annexed, a Copy of the Will and of the Affidavit, with the Schedule thereto, required by Section of this Act, and in the Case of Letters of Administration without a Will annexed a Copy of such Affidavit and Schedule, and in every Case of Letters of Administration, a Copy or Extract thereof, upon Payment for all such Copies of such Sum or Sums of Money or at such Rate as the Lord

Lord Chancellor shall, with the Approbation of the Commissioners of Her Majesty's Treasury, from Time to Time direct.

XCVI. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, to order the Judges, Registrars, and other Officers of the several Courts in England and Wales by which Probate of Wills or Administration of the Estate and Effects of deceased Persons have heretofore been granted, or other Persons having the Custody of the Documents and Papers belonging to any such Court, at the Times and in the Manner thereby directed, to transmit to the said Registrar General the original Wills which shall have been proved in or of which Administration with the Will annexed shall have been granted by the said Courts respectively, and the Notes of Administration, and Court Books and Calendars, and other Documents and Papers deposited in the said Courts respectively, as Her Majesty, with the Advice aforesaid, shall direct, and the same shall be preserved in the said General Registry of Probates and Administrations.

Wills, &c.
in Custody
of Ecclesiastical Courts
to be transmitted to
the Registrar
General.

XCVII. The said Registrar General shall and he is hereby required, immediately after the *Thirty-first Day of December One thousand eight hundred and fifty-six*, and immediately after the *Thirty-first Day of December* in every succeeding Year, to cause to be made, printed, and published a regular Alphabetical Index of all the Wills, Letters of Administration, and Certificate of Intestacy proved, registered, or granted in England and Wales during the preceding Year, and such Index shall be made in such Form as the said Registrar General shall from Time to Time think most convenient and most useful; and also, immediately after the *Thirty-first Day of December One thousand eight hundred and sixty-seven*, and the *Thirty-first Day of December* in every succeeding *Tenth* Year, cause to be made, by consolidating the Indices published for the preceding *Ten* Years, a regular Alphabetical Index in a similar Form of all Wills, Letters of Administration, and Certificates of Intestacy proved, registered, or granted in England and Wales during the preceding *Ten* Years; and the said Indices respectively shall be sold at such Prices as the said Registrar General shall direct, and the Costs and Charges of making and printing the several Indices aforesaid shall be defrayed out of the Monies to be produced by the Sale of the said Indices.

Alphabetical
List to be
made of
Wills and
Adminis-
trations.

Indices to be
made every
Ten Years.

XCVIII. If it shall please Her Majesty, with the Advice aforesaid, to order the Wills and Notes of Administrations heretofore granted to be transmitted to the said Registrar General, under the Provision herein-before contained, the said Registrar General shall, when he shall have received the same, in like Manner cause to be made, printed, and published regular Alphabetical Indices in a similar Form of the said Wills and Letters of Administration heretofore granted in England

Indices to
be made of
Probates
and Adminis-
trations be-
fore the
passing of
this Act.

and Wales, dividing the same into such Periods and consolidating the Indices for such a Number of Years as he shall think most convenient and useful ; and the said last-mentioned Indices respectively shall be sold, and the Costs and Expenses of making and printing the same defrayed, in like Manner as before provided.

5

Inspection
and Search
of Indices.

XCIX. The said Registrar General shall cause Copies of the said Indices to be kept in the said General Registry Office ; and every Person shall be entitled, between the Hours of *Ten* in the Morning and *Four* in the Afternoon of every Day, except Sunday, Christmas Day, and Good Friday, on Payment of the Fees herein-after mentioned, 10 to search the said Indices, and inspect any Will deposited in the said General Registry Office, and to have a certified Copy of any such Will, or of any Extract therefrom, or of any Grant of Probate or Note of Administration which shall be registered in the said Office.

Fees to be
taken by the
Registrar
General.

C. It shall be lawful for the Commissioners of Her Majesty's 15 Treasury and they are hereby required to prepare or cause to be prepared a Table of Fees, specifying what Fees are proper to be demanded and taken by the said Registrar General, his Clerks and Officers, and they are hereby empowered from Time to Time to add to, reduce, 20 alter, or amend the same as they may deem necessary and proper, and to cause the same to be inserted and published in the London Gazette, and no other Fees than those specified and allowed in such Table of Fees shall on any Pretence whatever be demanded or taken by the said Registrar General, his Clerks or Officers.

Payment of
Salaries.

CI. It shall be lawful for the said Commissioners of Her Majesty's 25 Treasury and they are hereby authorized and required to fix and appoint an annual Sum by way of Salary to the several Registrars and Clerks of Probates to be appointed under this Act, and to authorize the Employment by such Registrars and Clerks of Probates of such Clerks and Servants and at such Salaries or Wages as 30 the said Commissioners shall think fit ; and the said Commissioners shall have Power, on the Appointment of any Person to any Vacancy which shall hereafter occur in the Office of any of the said Registrars or Clerks of Probates, to revise the Salary attached to such Office, and to fix another Salary in lieu thereof, having regard to the Nature, 35 Duties, and Responsibility of such Office ; and such Salaries, together with the necessary Expenses of the respective Offices, and the Salaries of the Registrar General, and of the Officers, Clerks, and Servants employed in the said General Registry, shall be payable and paid by equal quarterly Payments on the Thirty-first Day of March, the Thirtieth 40 Day of June, the Thirtieth Day of September, and the Thirty-first Day of December in every Year, together with a proportional Part of such

such annual Sum for the Time which at the Decease of the Person entitled thereto shall have elapsed since the last Payment thereof.

CII. The Salaries which shall and may be granted under the Provisions of this Act, together with the necessary and unavoidable Expenses of the Offices to be provided under this Act, shall be paid and payable out of and be charged and chargeable upon the Fees received at such Offices ; and the Surplus of such Fees, and of the Monies produced by the Sale of Indices, after the Payment of the said Salaries and Expenses, shall be paid into the Receipt of the Exchequer, to the Credit of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such Times and in such Manner as the Commissioners of Her Majesty's Treasury for the Time being shall think proper to direct ; and in the event of the Fees so received being at any Time insufficient to defray the said Salaries and Compensations, if any, and other necessary Expenses, it shall be lawful for the said Commissioners of Her Majesty's Treasury and they are hereby authorized and required to direct the Amount of such Deficiency to be charged upon and paid out of such Funds as may be provided by Parliament for the Purpose.

Payment of
Salaries and
Expenses.

CIII. The said Registrars and Clerks of Probates shall respectively cause all Fees and Monies received by them, and all Disbursements made thereout for Salaries and other necessary Expenses, to be duly and regularly entered in One or more Books to be kept for that Purpose in their Offices, distinguishing the Fees and Monies received under their several Heads, and also the Particulars and Amount of every Disbursement, and shall quarterly, within *One Month* after the Thirty-first Day of March, the Thirtieth Day of June, the Thirtieth Day of September, and the Thirty-first Day of December in every Year, render a true and faithful Account in Writing to the Commissioners of Her Majesty's Treasury for the Time being of all such Fees and Disbursements, in such Form of Account, and with such Particulars of Receipt or otherwise, and accompanied by such Vouchers, as the said Commissioners of Her Majesty's Treasury shall from Time to Time think proper to require and direct ; and if upon Examination of any such Account it shall appear to the said Commissioners of Her Majesty's Treasury that any Fees or Monies have not been duly accounted for, or that any unreasonable or improper Charge or Deduction has been made in such Account, it shall be lawful for the said Commissioners of Her Majesty's Treasury finally to settle and adjust the same in such Way as they may think reasonable and proper, and the said Officers by whom such Account shall have been rendered shall and they are hereby required to alter and amend the same Account accordingly: Provided always, that the said

Accounts to
be kept of
Fees.

Officers respectively shall submit their Books of Account to the Inspection of the said Commissioners of Her Majesty's Treasury, or any Person or Persons whom they may employ for that Purpose, whenever the said Officers shall be required so to do.

Superannua-
tion Allow-
ance.

CIV. Every Person appointed or to be appointed under the Pro- 5
visions of this Act, who shall hereafter resign his Office or Situation,
with the Sanction and under the Authority of the Commissioners of
Her Majesty's Treasury, in consequence of his being incapable from
Infirmity of Mind or Body to discharge the Duties thereof, shall be
entitled to receive such Superannuation Allowance as the said Com- 10
missioners of Her Majesty's Treasury shall think proper to direct; and
in ascertaining and awarding the Amount of such Superannuation
Allowance the said Commissioners of Her Majesty's Treasury shall
take into consideration the whole Period during which any such
Person shall have been permanently employed in his Office, or in any 15
other public Office, prior to the passing of this Act, and shall proceed
according to the Principles laid down by an Act passed in the Fourth
and Fifth Years of the Reign of His Majesty King William the Fourth,
Chapter Twenty-four, and all such Sums and Allowances which shall
be so awarded and granted under the Authority aforesaid shall be 20
paid and payable and be charged and chargeable in the same Way as
is herein-before provided in respect of the Salaries granted or payable
under this Act respectively, and the necessary Expenses of the said
Offices.

Penalty for
taking Gra-
tuities.

CV. If any Officer or Clerk appointed under or by virtue of 25
this Act, or any Person whatever employed in the Offices to be
created under or by virtue thereof, shall, for anything done or pretended
to be done relating to his Office or Employment, or under colour
of doing anything relating to his Office or Employment, or for for-
bearing to do any Act properly appertaining to his said Office, demand, 30
take, receive, or accept, or allow any Person whatsoever to take for
him or on his Account, or for or on account of or in trust for him
or any other Person named by him, any Gratuity, Perquisite, or
Reward, or anything of Value, other than the Salary or Remunera-
tion allowed or to be allowed to every such Officer, Clerk, or Person 35
aforesaid, he shall forfeit a Sum of *Fifty Pounds*, to be recovered by
Action of Debt at the Suit of Her Majesty's Attorney General, and
upon Judgment being recovered therein he shall be incapable of any
longer holding his Office or Employment.

Compensa-
tion for Offi-
ces abolished
or affected.

CVI. Every Person holding any Office which may be abolished by 40
this Act, and every Person holding Office in any of the Courts
whose Jurisdiction by this Act is abolished or transferred, and whose
Emoluments

Emoluments may be thereby diminished, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within *Six* Calendar Months from the Commencement of this Act; and it shall be lawful for the said Commissioners of Her Majesty's Treasury, by Oath or otherwise, and in such Manner as they shall think fit, to inquire into the Nature of the Office, and what was the Tenure, and what were the lawful Emoluments in respect of which Compensation shall be claimed; and the said Commissioners of Her Majesty's Treasury in such Inquiry shall have regard to the Fact whether any Office in respect of which a Claim as aforesaid has been made shall have been exercised jointly or by Deputy, in which Case any joint Holder of the Office, or the Person performing the Duties of an Office by Deputy, shall be entitled to make Claim only in respect of the Emoluments actually received by him under and by virtue of any Arrangement entered into with the other joint Holder or the Deputy, as the Case may be; and the Commissioners in each Case shall award such Compensation, if any, as they shall think fit, and such Compensation shall be paid out of such Funds as may be provided by Parliament for the Purpose: Provided always, that if any Person entitled under this Enactment to make such Claim as aforesaid shall by virtue of this Act or otherwise be appointed to a public Office, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary of such Office or Employment, shall be suspended, if the Amount of such Salary or Emolument be greater than the Amount of such Compensation; and if any such Person shall by virtue of this Act or otherwise be appointed to a public Office or Employment the Salary or Emoluments of which may be less than the Amount of such Compensation, such Person shall be entitled to receive the Difference existing between the Amount of such Salary and the Amount of such Compensation, and no more: Provided also, that an Account of all such Compensations shall, within *Fourteen* Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament be then assembled, or if Parliament be not then assembled, then within *Fourteen* Days after the Meeting of the Parliament then next assembled.

CVII. There shall be awarded to the Judge of the Prerogative Court, by way of Compensation, an annual Sum equal in Amount to the net annual Value of the lawful Fees and Emoluments of his Office, according to such an Average prior to the Time of Act coming into operation as the said Commissioners shall think proper, and such annual Sum shall be payable to him during his Life, and shall be paid out of such Funds as may be provided by Parliament for the Purpose.

Compensation to Judge of Prerogative Court.

SCHEDULES.

SCHEDULE (A.)

Form of Affidavit of Property.

FORM of Affidavit and Schedule required by this Act.

Insert the Names and Residences and the Titles or Professions of the Person making the Affidavit.

Insert the Nature of the Grant and Description of the Deceased.

**In case of Quakers, "solemnly affirmed."*

Insert Day and Place of Burial, or set forth the Reason why the same cannot be furnished.

Insert as to Leasehold Estates, if any.

If no Leasehold Estates, insert so here.

In the Goods of } In the Court of
deceased. } 18 .

Appeared personally } the Party applying
for } of the } late of
deceased, and made Oath* that the said Deceased died on or
about the Day of in the Year of our Lord
One thousand hundred and , and that on or
about the Day of
and that the Estate and Effects of the said Deceased, which he
any way died possessed of or entitled to, and for or in respect of
which to be granted, exclusive of what the
said Deceased may have been possessed of or entitled to as a
Trustee for any other Person or Persons, and not beneficially,
and without deducting anything on
account of the Debts due and owing from the said Deceased, are
under the Value of Pounds, to the best
of Deponent's Knowledge, Information, and
Belief,
and that the Schedule annexed, to which he has set and sub-
scribed his Name, is a true and faithful Schedule of the said
Effects.

Sworn before me,

Goods, Chattels, and Credits, and to exhibit the same into the
Office of the said Court on or before the

Day of 185 , and also to render a just and true
Account thereof.

Sworn under Pounds, and that the Testator died
at in the County of on
the Day of 185 .

(L.S.)

Form of Letters of Administration.

In the County Court of }
or }
In the Court of .}

BE it known, That on the Day of 185 ,
Letters of Administration of the Goods, Chattels, and Credits of
A.B., late of , deceased, who died intestate, were granted
by the said Court to *C.D.* of , the Widow of the said
Intestate, she having been already sworn well and faithfully to admi-
nister the same, and to make a true and perfect Inventory of all and
singular the said Goods, Chattels, and Credits, and to exhibit the
same into the Office of the said Court, on or before the
Day of 185 , and also to render a just
and true Account thereof.

Sworn under Pounds, and that the Intestate died
at in the County of on
the Day of 185 .

(L.S.)

SCHEDULE (B.)

No. 1.

Form of Objection to Probate.

I [*Name*] of [*Place of Abode and Description*]
object to Probate being granted of any alleged Will of [*deceased*
Person] of [*Place of Abode and Description*] who
died on or about the Day of last.

Dated the Day of

[*Signed by Person objecting.*]

No. 2.

No. 2.

Where particular Will objected to.

I [Name] of [Place of Abode and Description]
 object to Probate being granted of a certain Will which is dated
 on or about the Day of [where there is no Date
the Will objected to must be identified in some other Manner], and
 is alleged to be the last Will and Testament of [deceased Person]
 of [Place of Abode and Description]
 who died on or about the Day of last.
 Dated the Day of
 [Signed by Person objecting.]

No. 3.

Form of Objection to Letters of Administration.

I of claim to be entitled to Letters of Adminis-
 tration of the Estate and Effects of [deceased Person] of
 who died on or about the Day of last,
 and I object to Letters of Administration of such Estate and Effects
 being granted to any other Person.
 Dated the Day of
 [Signed by Person objecting.]

Ecclesiastical Courts Jurisdiction.

A

B I L L

To transfer the Testamentary Jurisdiction of the Ecclesiastical Courts to the Superior Courts of Common Law and to the County Courts.

*(Prepared and brought in by
Mr. Collier, Mr. Atterton, and Mr. Hadfield.)*

*Ordered, by The House of Commons, to be Printed,
8 February 1856.*

[Bill 24.]

Under 5 oz.

9 April 1856. 19 VICT.



A

B I L L

TO

Make Provision for Education within Burghs in Scotland.

WHEREAS it is desirable to provide additional Facilities for Preamble.
the Establishment of Schools within Burghs and Towns
in Scotland: Be it enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
5 and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, as follows :

I. The Word "Burgh" in this Act shall signify and extend to To what
every Burgh or Town within Scotland having Councillors elected by Burghs this
the Votes of the Inhabitants thereof, in Terms of the Acts passed in Act applies.
10 the Third and Fourth Years of the Reign of His Majesty King
William the Fourth, intituled, respectively, "An Act to alter and 3 & 4 W. 4.
" amend the Laws for the Election of the Magistrates and Councils c. 76.
" of the Royal Burghs in Scotland," and "An Act to provide for 3 & 4 W. 4.
" the Appointment and Election of Magistrates and Councillors for c. 77.
15 " the several Burghs and Towns of Scotland which now return
" or contribute to return Members to Parliament, and are not Royal
" Burghs."

[Bill 94.]

II. The

Assessment
may be
levied for the
Purposes of
this Act.

II. The Town Council of every Burgh shall have Power, from and after *the passing of this Act*, but subject to the Conditions herein-after contained, to raise, by means of Assessment on the Property of the Inhabitants thereof, such Sum or Sums of Money as shall from Time to Time seem to the Town Council thereof for the Time being to be 5 requisite, for the Purpose of establishing and improving Schools within such Burgh, including the providing, furnishing, and keeping in repair Schoolhouses and the Inclosures and Grounds belonging thereto, the Salaries, Houses, House Rents, and Retiring Allowances of Schoolmasters, and the Books, Maps, and other Apparatus for the 10 Use of the Scholars : Provided always, that any Monies to be raised or Property to be acquired by virtue of this Act shall be applicable solely to the Purposes aforesaid, and to no other Purpose whatsoever.

Schools to be
under the
Control and
Management
of Town
Council.

III. Every School to be established in any Burgh by virtue of this Act shall be under the Control and Management of the Town 15 Council thereof, who shall have full Power to fix the Hours and Subjects of Teaching, to determine the Rates of Fees, to provide in so far as they shall see right for the gratuitous Teaching of any Children therein, to appoint, and if necessary to censure, suspend, or remove, any Teachers, to fix their Salaries, and in case of Disability, 20 because of Infirmary or old Age, to grant out of the Funds to be thus levied Retiring Allowances to Schoolmasters, and to do every other Act necessary in order to the efficient Management and Government of such Schools : Provided always, that every such School shall be at all Times open to any Inspector of Schools appointed or to be 25 appointed by the Committee of Her Majesty's most Honourable Privy Council on Education for the District wherein such School shall be situated ; and that every Teacher to be elected shall, before his Admission, produce a Certificate from the Inspector appointed or to be appointed as aforesaid, of his Fitness for the Office to which he 30 shall have been elected, obtained after such Inquiry and Examination as the said Inspector shall deem requisite.

Notice of
any Proposal
to levy As-
sessment
must be
given.

IV. Where in any Burgh it is proposed by the Council to levy an Assessment in Terms of this Act, a Resolution to that Effect shall be passed by a Meeting of the said Council to be held not 35 later than the Thirty-first Day of August in any One Year ; and it shall be the Duty of the Clerk of the said Council to publish such Resolution, by Advertisement in One or more Newspapers published or in common Circulation within such Burgh, at least twice during each of the immediately succeeding Months of September and 40 October ; and at a Meeting of Council to be held not earlier than the Second Week in the Month of November immediately following, and not later than the Month of August next following, such Resolu-
tion

tion may be again considered by such Council; and if such Resolution be confirmed by the Votes of a Majority thereof, the same shall be a sufficient Authority and Warrant for the Imposition of such Assessment in Terms of this Act.

- 5 V. The Assessment herein provided shall be levied annually on the Rental of all the Lands, Houses, and other Heritages within the Bounds of any Burgh, as the same shall from Time to Time appear in the Valuation Rolls to be made up in Terms of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her Majesty
 10 Queen Victoria, intituled "An Act for the Valuation of Lands and "Heritages in Scotland;" and such Assessment shall in no Case be at a higher Rate than the Rate of *One Penny* per Pound on such Rental.

Rate of Assessment, and how to be levied.

17 & 18 Vict. c. 91.

- VI. In order to the due Administration of any Monies to be raised
 15 by virtue hereof, it shall be the Duty of the Town Council of any Burgh taking advantage of the Powers and Provisions of this Act to keep a regular Account, in which shall be entered articulately the whole Monies received and Payments made in relation thereto, and which Account shall be entitled "School Fund Account," or other-
 20 wise sufficiently designated and distinguished from any Account of the ordinary Revenues of such Burgh, and a State thereof shall be made up and a Balance struck at the Fifteenth Day of May in each Year, which State and Balance shall be attested by the Signatures of the First Magistrate and of the Clerk of the Council of the Burgh,
 25 or of such other Member of Council or Clerk as may from Time to Time be appointed by the Council to such Duty; and an Abstract thereof, showing the total Amount of Receipts and Disbursements, and the State of the Balance for the Time being, shall be thereafter published, by Advertisement at least *Four* Times, in some One or
 30 more Newspapers published or in common Circulation within such Burgh.

Account to be kept by Town Council, and Abstract to be published annually.

Education (Scotland).

A

BILL

To make Provision for Education within
Burghs in Scotland.

(Prepared and brought in by
The Lord Advocate, Sir George Grey, and
Viscount Duncan.)

*Ordered, by The House of Commons, to be Printed,
9 April 1856.*

[Bill 94.]

Under 1 oz.



A

B I L L

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for the Endowed School at Moulton in the County of Lincoln.

WHEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-five, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the Endowed School at Moulton in the County of Lincoln founded by the Will of John Harrox, and such Scheme is set out in the Appendix to the said Report, and is also set out in the Schedule to this Act: And whereas it is expedient that the said Scheme should be confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The said Scheme shall be confirmed and take effect.

Preamble.
3d Report,
28th Feb.
1856.
Scheme confirmed.

[Bill 201.]

A

SCHE-

SCHEDULE.

SCHEME.

AS TO GENERAL MANAGEMENT.

Corporation dissolved, and charity estate vested in governors.

1. The existing incorporation of the above-mentioned school, by the name of "The Preceptor or Master of the Free School of John Harrox in Moulton," or by any other name, is hereby dissolved, and the charity, and the estates and property thereof, shall from and after the establishment of this scheme be under the management and control of governors, to be called "The Governors of the Moulton Endowed Schools." The full number of governors shall be twelve, of whom the Vicar of Moulton, the Vicar of Whaplode, the Rector of Fleet, and the Vicar of Weston respectively for the time being shall by virtue of their respective offices always be four; and in the first instance the following persons shall be the other eight governors; that is to say, John Tatam of Moulton aforesaid, Esquire; Robert King of the same place, Gentleman; Robert Everard of Fulney House, Spalding, in the same county, Esquire; (being the three present non-official trustees of the charity;) and the Right Honourable Sir John Trollope of Casewick House near Stamford in the same county, Baronet; John Richard Carter of Spalding in the same county, Esquire; Joseph Chamberlain Barker of Holbeach, Esquire; Thomas Cammack of Spalding aforesaid, Esquire, M.D.; and Matthew Clark of Goddard's Hall, Moulton, Esquire.

Succession of governors.

2. The death, resignation, bankruptcy, insolvency, or removal from residence in the county of Lincoln of any non-official governor, or his refusal or incapacity to act, or neglect for a period of two consecutive years to attend any meeting of the governors, shall respectively create a vacancy in the office of such governor; and as soon as conveniently may be after the occurrence of any such vacancy, the remaining governors for the time being shall appoint some fit and proper person resident within the said county of Lincoln to fill such vacancy so as to keep up the full number of eight non-official governors.

Appointment of future governors.

3. Every appointment of a governor shall be made at some general or special meeting of the governors for the time being, and shall be forthwith notified by the chairman of the meeting or the clerk to the Charity Commissioners for England and Wales; and no such appointment shall be valid until approved by an order under the official seal of the said commissioners; and a minute or memorandum of every such appointment, when so approved, and of the order of the said commissioners approving thereof, shall be entered in the minute book kept for recording the proceedings of the governors, at the first meeting after the receipt of such order, and shall be signed by the chairman at such meeting; and such minute or memorandum shall be sufficient evidence of the appointment to which it relates.

The governors for the time being during any vacancy or vacancies in the governing body shall be competent to exercise all the authorities hereby vested in the governors.

Charity estate vested in governors for the time being.

4. All the real estate, of whatever tenure, now vested in the said corporation, or belonging to or held in trust for the charity, and all rights and privileges belonging to or held in trust for the charity, (subject to any subsisting leases thereof

thereof and charges thereon,) and the full benefit of all subsisting covenants, conditions, and securities made or entered into with or reserved to the said corporation, or any person or persons in trust for or for the benefit of the charity, and all the personal estate belonging to the charity, and the right to sue for and recover all choses in action recoverable for the benefit thereof, shall be immediately and shall from time to time vest and continue vested in "The Governors of Moulton Endowed School" for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, surrender, or assurance; and the right to sue upon or enforce all or any covenants, conditions, or securities made, reserved, or contracted to or with the said corporation before its dissolution, or to or with any preceding governors of the said charity, shall be exerciseable in the name of "The Governors of Moulton Endowed School," as fully and effectually as the same right might be exercised by such corporation if not dissolved, or by such preceding governors if still retaining their office; and in the same manner all contracts and liabilities of the said corporation before its dissolution, or of any preceding governors for the time being of the said charity, may be enforced against the governors thereof for the time being to the extent of the property or assets of the charity, but not against their private estates.

5. The copyhold lands and hereditaments belonging to or held in trust for the charity may be enfranchised by the governors, with the consent of the person or respective persons who shall for the time being be in the actual possession or enjoyment of the manor or respective manors of which the same lands and hereditaments respectively shall be held, upon such terms and conditions as shall be approved by the Charity Commissioners for England and Wales; and in the meantime, and until such enfranchisement shall be effected, the lords or owners for the time being of the respective manors of which the same lands and hereditaments respectively shall be held shall be entitled to the same fines, rents, services, and other benefits (if any) in respect of such lands and hereditaments, as they respectively would or might have been legally entitled to if this scheme had not been established.

Copyholds.

6. The schoolhouses and masters' residences, with the buildings attached thereto respectively, and the other houses and buildings belonging to the charity, (which shall not be kept repaired and insured by the tenants thereof under any covenant or agreement in that behalf,) shall be kept repaired and insured by the governors out of the income of the charity.

Houses and buildings to be kept repaired and insured by governors.

7. The governors shall have the control and management of the charity property, and shall let the same (with the exception of the schoolhouses and premises) at the best annual rents, provided that no lease of the charity property or any part thereof be granted in reversion or for a longer term than fourteen years, without the sanction of the Charity Commissioners for England and Wales, and that every such lease shall contain covenants by the lessees for the payment of rent, the repair and insurance of the houses and buildings comprised in such lease, a proviso for re-entry on nonpayment of rent or nonperformance of the covenants, and all other usual and proper covenants applicable to the property comprised in the lease. No governor shall, either directly or indirectly, become a tenant or occupier of the charity estate or any part thereof, for his own benefit or for the benefit of any other person.

Governors to let and manage the property.

Leases to be executed and actions brought by any five governors.

8. Leases and other deeds and instruments for the letting or disposition of the charity estate or any part thereof may be executed and made by any five of the governors for the time being on behalf and as the act of the whole of them, according to any order of the governors made at any meeting, and shall have the same effect as if executed by all the said governors; and the recital of any such order contained in any deed or instrument by which any such lease or other disposition shall be effected shall be *primâ facie* evidence thereof.

Stock committee.

9. The governors shall appoint some four of their number to be the persons into whose names any sums of stock to be purchased from time to time in trust for the charity shall be transferred, and who shall be called the "Stock Committee;" and as often as the number of the Stock Committee shall be reduced by vacancies to two, two other governors shall be appointed in like manner, into whose names the stock shall be transferred jointly with those of the two continuing members of such Stock Committee.

Clerk and receiver.

10. The governors shall appoint a clerk and a receiver, who respectively shall be removable by them when and as they may think fit. The offices of clerk and receiver may be combined in one person. A master or assistant master of the lower school may be appointed as clerk, but not as receiver. The governors may pay or allow to the clerk and receiver respectively, out of the income of the charity, such reasonable salary or remuneration as they may from time to time appoint. Any one of the governors may be appointed to execute the offices of clerk and receiver, or either of them, gratuitously. The receiver shall, unless he be one of the governors, give such security, before entering upon his office, as the governors shall direct.

Duties of clerk.

11. The duties of the clerk shall be to attend the governors at their meetings, to attend and give information to any committees appointed by the governors, to enter the minutes of the proceedings at meetings of the governors, to keep the accounts of the charity, and to prepare and send such statements thereof as the governors are bound to furnish under "The Charitable Trusts Act, 1853," or otherwise; to preserve, subject to the directions of the governors, all vouchers for payments on behalf of the charity; to make out annually a detailed account and statement of the receipts and payments in respect of the charity, and of its assets and liabilities (if any), which shall be vouched and passed before the governors at their first general meeting after Christmas Day; and to perform all such duties in respect of the charity and to the management thereof as the governors shall direct.

Duties of receiver.

12. The receiver, subject to the control and direction of the governors, shall exercise a general supervision over the charity property and the lessees thereof, and shall collect and receive the rents and income, and shall submit to the governors annually a report showing the state and condition of the charity estate, and shall perform all such other duties and acts appertaining to the office of receiver in respect of the charity and its property, and the management thereof, as the governors shall direct.

Notice of meetings.

13. Notice in writing of every meeting, whether general, special, or adjourned, shall be delivered or sent by the clerk to each governor at his residence three clear days at the least previously to such meeting; and such notice shall specify the place and the day and hour for holding the meeting.

14. The

14. The governors shall hold not less than four general meetings in each year for transacting the business of the charity. And such meetings shall be held on the Thursday fortnight after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively. But the governors shall have power from time to time to appoint some other day within thirty days next after any of the respective quarter days aforesaid for holding the then next quarterly meeting. The meetings shall be held in the schoolhouse, or in some other convenient place in the parish of Moulton, to be determined from time to time by the governors.

General meetings.

15. If circumstances require it, any two or more of the governors for the time being may send a requisition to the clerk calling a special meeting; and the clerk shall, upon the receipt of such requisition, give notice in writing to each of the governors of the time, place, and object of such meeting; and no business shall be transacted at any special meeting which shall not be specified or sufficiently indicated in the notice.

Special meetings.

16. Five governors shall form a quorum at any meeting, and so soon after the time fixed for the holding of any meeting as a sufficient number of governors shall be present to form a quorum, they shall proceed to elect a chairman from amongst the governors then present, and in the event of an equality of votes on the election of chairman the choice between the two persons proposed shall be determined by lot. The act and proceedings of a majority of governors present at any meeting properly held shall be binding on the whole body, but such acts and proceedings or any of them may be revoked or altered from time to time, wholly or partially, by the governors, or the majority of them, at any subsequent meeting. The chairman of every meeting shall, in the event of an equality of votes, have, in addition to his original vote, a second or casting vote.

Quorum of meetings.

Majority of votes to be binding.

17. If after the space of one hour from the time appointed for holding any meeting a sufficient number of governors shall not be in attendance to form a quorum, the governors, or any one or more of them present, or the clerk, if no governor be present, may adjourn the meeting to a subsequent day. Any meeting may also be adjourned at any time by the chairman upon a resolution for adjournment being adopted at such meeting.

Adjournment of meetings.

18. The governors may at any meeting appoint three or more of their body as a committee for the purpose of making any inquiry, or superintending or performing any specific act or duty which in the judgment of the governors may be more conveniently referred to such committee; but the acts and proceedings of such committee shall be reported to the governors from time to time at the then next general meeting.

Appointment of a committee.

19. The governors shall apply the clear yearly income of the charity (which shall remain after providing for and defraying thereout the expense of repairing and keeping insured the houses and buildings belonging to the charity, the salaries of the clerk and receiver, and the other current and proper expenses of management, and of executing the trust in pursuance of this scheme,) in manner following:—

Application of income.

Firstly, In providing for the interest payable in respect of the principal mortgage debt with which the charity property now stands charged.

1st. For interest on existing mortgage debt.

[201.]

A 3

Secondly,

2d. For interest on money to be raised for purpose of scheme.

3d. For retiring pension to late master.

4th. For salary of master of Upper School.

5th. For salary of master of Lower School.

6th. For stipends of assistant masters and teachers of both schools.

7th. For expense of examination and prizes.

8th. Surplus income.

Secondly, In providing for the interest or annuity, and the instalments of principal in respect of the sum or sums (if any) to be raised for providing, building, altering, and fitting up the school buildings and premises as herein-after mentioned.

Thirdly, In paying to the Reverend Charles Moore, late master of the school, (who has consented to retire upon the annuity herein-after mentioned being secured to him,) an annuity of one hundred pounds during his natural life, by half-yearly payments, on the 6th day of April and the eleventh day of October in each year, the first of such half-yearly payments [to be made on the eleventh day of October one thousand eight hundred and fifty-six.

Fourthly, In paying to the master of the Upper School the annual stipend herein-after mentioned.

Fifthly, In paying to the master of the Lower School the annual stipend herein-after also mentioned.

Sixthly, In paying the respective stipends of the assistant masters and teachers (if any) to be appointed for the Upper and Lower Schools respectively under the provisions of this scheme.

Seventhly, In paying the expense of the annual examinations at the said schools respectively, and of the prizes (if any) to be awarded thereat.

Eighthly, Any surplus income of the charity which shall remain after providing for the several payments aforesaid shall be invested periodically by the governors in the three pounds per cent. consolidated annuities, and the dividends thereon shall be invested from time to time in like manner, so as to form an "accumulation fund" of the amount and for the purposes herein-after mentioned; and, subject to the formation and continuance of such accumulation fund, such surplus income shall be applied by the governors in increasing the salaries of the masters or assistant masters of the schools respectively or otherwise for the benefit of the said schools or either of them, or to such other educational purposes for the benefit of the parish of Moulton and its vicinity as the governors shall, with the sanction of the Charity Commissioners for England and Wales, think fit. All proper expenses which shall have been incurred by the said late master or the present overseers or trustees in continuing the management of the charity or the conduct of the school up to the time when this scheme comes into actual operation shall be defrayed and paid by the governors out of the income of the charity.

Accumulation Fund.

20. The full amount of the "Accumulation Fund" to be raised and formed under the foregoing provision shall be one thousand pounds three pounds per cent. consolidated annuities, and no more. And such "Accumulation Fund" shall be applied by the governors, when and as it amounts to a suitable sum, and either before or after it reaches the said amount of one thousand pounds, in or towards the discharge (subject to the provision herein-after contained) of the said principal mortgage debt now charged on the charity estate, or of any principal debt to be hereafter borrowed by the governors on the security of the same estate under the provisions of this scheme, or, with the sanction of the Board of Charity Commissioners, in defraying the expense of any extraordinary repairs

repairs or additions to the buildings or other improvements of the charity estate or any part thereof. But the amount (if any) to be taken from time to time from the "Accumulation Fund" for any of the above purposes shall be replaced out of the annual surplus income of the charity, so as to keep up the same fund as far as possible to the aforesaid full amount of one thousand pounds. Subject to the foregoing provisions, whenever the "Accumulation Fund" shall be at the said full amount of one thousand pounds the dividends and annual income thereof shall be applied by the governors in or towards the expense of the ordinary repairs of the charity estate, and subject thereto shall be applicable as part of the surplus income of the charity.

No payment shall be made by the governors out of the "Accumulation Fund" in or towards the discharge of the aforesaid subsisting mortgage debt during the continuance of the annuity of one hundred pounds payable to the said Reverend Charles Moore during his life under this scheme, unless such payment shall be required by the mortgagees.

21. The governors, with the sanction of the Charity Commissioners for England and Wales, may make all requisite or proper alterations in, or additions to, the master's house and other buildings, and may provide other houses or buildings, (if requisite for the purposes of the schools or either of them,) and may fit up the same respectively with the necessary fittings and apparatus for carrying on such schools, and may appropriate and lay out a suitable piece or pieces of the charity land as a play ground or play grounds for the use of the boys at such schools respectively; and the governors shall be at liberty, under the direction of the said commissioners, to raise on mortgage, or by way of annuity, upon the security of the whole or any part of the charity estate (except the school house and school buildings and premises), such sum or sums of money as may be necessary or proper for the foregoing purposes or any of them; and in the event of any sum being so raised on mortgage, the governors shall, out of the income of the charity, set aside annually, and vest in aid of the accumulation fund aforesaid, a sum of money equal to one thirtieth part at the least of the principal to be so raised.

Additions and alterations in school buildings.

Power to raise money.

22. The governors shall cause a proper minute book to be provided and kept, wherein shall be entered the names of the governors attending each meeting, and minutes of all proceedings at the meetings, the reports of committees, and all other transactions of the governors relating to the charity. The minutes of the proceedings at each meeting shall be signed by the chairman thereof.

Minutes of meetings.

23. The governors shall also cause proper account books to be provided and kept, wherein shall be regularly entered an account of the receipts and payments on behalf of the charity, and such other particulars as the governors shall direct. The year's account shall be examined, vouched, and audited annually at the first general meeting of the governors after Christmas Day, or at some adjournment thereof, and shall be signed by the chairman, and at least two of the other governors present at such meeting.

Accounts.

24. All cheques and orders for the payment of money shall be signed by the chairman at some meeting of the governors, and by one at least of the other governors present at such meeting, and shall be countersigned by the clerk or by the governor (if any) filling that office.

Cheques, &c.

- Banker. 25. The governors may appoint a banker for the purposes of the trust, and may change such banker whenever they shall think fit.
- Custody of documents. 26. The governors shall cause to be provided and kept, in some suitable place, a box or safe, with a secure lock, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the charity, with a list thereof; and the contents of such box shall be examined by the governors at some meeting at least once in each year, and such box shall be kept locked.
- Scheme to be printed. 27. This scheme shall be printed, and a copy given to every person who shall become a governor of the charity, and to every master and assistant master of the respective schools.
- Alteration of scheme. 28. Upon application made by the governors to the Board of Charity Commissioners for England and Wales, any of the provisions of this scheme respecting the management of the charity, or the schools hereafter established, or either of them, which shall be found inconvenient or objectionable, may be modified or altered by an order of the said Board, provided that no alteration be made which shall be inconsistent with the main objects, and provisions of this scheme.
- Copies of scheme may be taken. 29. A copy of this scheme shall be kept with the books of account and other documents belonging to the charity, and all persons interested in the charity shall be at liberty to take copies of this scheme or any part thereof, (upon making an application for that purpose to the governors,) at such times and subject to such reasonable conditions as may be prescribed by the governors.
- Doubts or disputes to be decided by Charity Commissioners. 30. If any doubt or question shall arise amongst the governors, or any of them, as to the construction or proper application of any of the provisions of this scheme, or the management of the charity, application may be made by the governors to the Charity Commissioners for England and Wales, for their opinion and advice thereon, which, when given, shall be conclusive on the governors.
- Interpretation. 31. In this scheme the following expressions, whenever used, shall respectively have the following meaning and effect; that is to say, the expression "the charity" shall mean the Moulton endowed schools established and regulated by this scheme.
The expression "the governors" shall mean the governors of the Moulton endowed schools appointed and to be hereafter appointed as provided by this scheme.
The expression "the schools" shall mean the Moulton endowed schools as established by this scheme.

AS TO THE UPPER SCHOOL.

- Schoolhouse. 32. The Upper School shall be carried on in the house and buildings hitherto used or appropriated as the residence for the master of the school, subject and according to the provisions of this scheme; and the said house and buildings may, if necessary, be altered, added to, adapted, and fitted up by the governors for the purposes of the school, in accordance with the provisions herein-before contained for that purpose.

33. The

33. The first master shall be elected and appointed by the governors at a meeting to be held for that purpose as soon as conveniently may be after the establishment of this scheme; and in case of any vacancy in the mastership by the death, resignation, or removal of such master, or of any future master, the governors shall elect and appoint a new master at some meeting to be specially called for the purpose as soon as conveniently may be after the occurrence of the vacancy. The master shall be a member of the Church of England, and a graduate of one of the Universities of Oxford, Cambridge, Durham, or Dublin; and for the purpose of obtaining an efficient master the trustees shall, previously to such election, advertise in such newspapers, and receive such testimonials of candidates, as they may deem expedient.

Appointment and qualification of master.

34. The master shall be paid out of the income of the charity a fixed annual stipend of one hundred and fifty pounds, by half-yearly payments; and any master who shall die, resign, or be removed under the provisions of this scheme, shall be entitled to a due proportion of his stipend, and of the portion of capitation fees payable to the master under the provisions of this scheme, from the previous half-yearly day of payment thereof up to the day of his death, resignation, or removal.

Stipend to master.

35. The master shall reside in and occupy the dwelling house and premises attached to the school, and not elsewhere; and he shall have the occupation and use of such house and premises in respect of his official character and duties, and not as tenant, and shall, if removed from his office, deliver up possession of the said house and premises, at such time and to such person or persons as the governors may direct.

Master to reside.

36. The master shall not underlet, or permit any person except himself and family, and the boarders to be taken by him under this scheme, to occupy the dwelling house and premises appropriated to him as a residence, or any part thereof.

Master not to underlet residence.

37. The master shall give his personal attention to the duties of the school, and shall devote his time exclusively thereto; and during his tenure of office he shall not accept or hold any benefice having the cure of souls, or any office or appointment which, in the opinion of the governors, may interfere with the proper performance of his school duties.

Master not to have other employment.

38. Neither the master, nor any assistant master, shall receive or demand from any boy in the school, or from any person whomsoever on behalf of any such boy, any gratuity, fee, or payment, other than as is prescribed or authorized by this scheme.

Master not to receive other than authorized fees.

39. The master shall be at liberty to receive in his official residence such a number of boys as boarders as the governors, having regard to the extent of accommodation and the interests of the school, may from time to time authorize or direct; but such boarders shall be instructed in the school in common with the other boys, without any distinction whatever. The scale of payments and other terms upon which boarders may be received by the master shall be authorized by the governors in the first instance, and shall be subject to revision by them, if and when they shall think fit.

Boarders.

40. The master shall be liable to be removed from his office by the governors for any sufficient cause; and for the purpose of such removal a special meeting

Removal of master.

of the governors shall be called by notice upon a requisition to the clerk, signed by three at least of the governors; and if a resolution for the removal of the master shall be carried at such meeting by at least two thirds of the governors present, it shall be entered on the minutes, and signed by such of the governors as vote for the same; and the same resolution shall, after the interval of at least one calendar month, be submitted to another similar meeting duly called by notice, and if the same be confirmed by two thirds of the governors present at such last-mentioned meeting, such confirmation shall also be entered on the minutes; and a copy of such resolution and confirmation shall, within one week after the holding of such last-mentioned meeting, be forwarded by the governors or their clerk to the Charity Commissioners for England and Wales; and if the said Commissioners shall, by an order under their seal, signify their approval of such resolution, the master shall be considered as removed on the day of such approval, and his office shall be vacant on and from that day.

Declaration to
be signed by
master.

41. Every master, previously to entering into office, shall be required to sign a declaration, to be entered in the minute book of the governors, in the following form:—

“ I, _____, declare that I will always, to the best of my ability, discharge the duties of master of the Upper School at Moulton, during my tenure of the office, according to the provisions of the scheme for the regulation thereof, and that in case I shall be removed from the mastership by the governors, according to the provisions of the same scheme, I will acquiesce in such removal, and will thereupon relinquish all claim to the mastership and its future emoluments, and will deliver up possession of the school and school residence to the governors.”

Appointment of
assistant
master.

42. When in the judgment of the governors the assistance of an additional master shall be required, and the funds of the charity shall be sufficient for the purpose, the governors may appoint some proper qualified person as assistant master of the school, and may also from time to time appoint some suitable person to succeed to any vacancy in the office of assistant master. Every assistant master shall be a member of the Church of England, qualified to give instruction in the various branches of education to be provided at the school; and for the purpose of obtaining an efficient assistant master, the governors shall, previously to such election, advertise in such newspapers, and receive such testimonials of candidates, as they may deem expedient.

Removal of
assistant
master.

43. The assistant master shall hold office during the pleasure of the governors, who may remove him from his office, by a resolution passed for that purpose, at any meeting, either with or without assigning a cause for such removal.

Stipend of
assistant
master.

44. The assistant master shall be paid out of the income of the charity such an annual stipend as the governors may think fit, not exceeding the annual sum of 80*l*. Any assistant master who shall be removed by the governors for cause assigned shall be entitled to a proportionate part of his stipend, and of the fees payable to the assistant master under this scheme, up to the day of his removal; but any assistant master who shall be removed without cause assigned shall be entitled to a quarter's notice, and to receive his stipend and proportion of fees up to the expiration of such notice, or shall, in lieu of notice, at the option of the governors, be paid a sum equivalent to a quarter's stipend and a quarter's proportion of fees.

45. Whenever

45. Whenever circumstances require it, and the income of the charity shall be sufficient for the purpose, the governors may appoint an additional teacher or teachers for the purposes of the school, and may pay to every such teacher such salary or stipend, not exceeding the annual sum of eighty pounds, as they shall see fit. Every such teacher shall hold office during the pleasure of the governors, and may be displaced by them at any time, with or without notice, as they shall see fit.

Additional teachers.

46. The instruction to be afforded in the school shall comprise the principles of the Christian religion, the Greek, Latin, French, and German languages and literature, elementary instruction in the sciences applicable to the practical arts, land surveying, drawing, and designing, mathematics, algebra, arithmetic, book and account keeping, general English literature and composition, sacred and profane history, geography and writing, and such other subjects of instruction as the governors may from time to time authorize or direct, with a view to providing a sound religious, moral, and useful education. But it shall be in the discretion of the governors to defer any portion of the instruction hereinbefore specified which the funds for the school for the time being shall be insufficient to provide.

Instruction.

The school may be divided into such departments or sections for the purposes of the instruction to be given thereat as the governors may from time to time direct.

47. Religious instruction shall be given by the master at such times as he shall think best by reading and explaining the Holy Scriptures to all the boys; and instruction in the liturgy and catechism of the Church of England shall also be given by the master in like manner to all the boys, except those whose parents, or persons standing in loco parentis, (being respectively persons not in communion with that Church,) shall state in writing to the governor or the master that they object to such last-mentioned instruction upon conscientious grounds.

Religious instruction.

48. Suitable prayers taken from the liturgy of the Church of England shall be read by the master every morning and evening in the school.

Prayers in school.

49. The boys, accompanied by the master, shall attend Divine Service at the parish church of Moulton regularly on Sundays, with the exception of those boys (if any) whose parents, or persons standing in loco parentis, (being respectively persons not in communion with the Church of England,) shall state in writing to the governors or the master that they object to such attendance upon conscientious grounds, and in such cases the master shall take care as far as possible that all such boys shall regularly attend some other place of religious public worship on Sundays.

Attendance at church.

50. All boys residing in the wapentake of Elloe, of the age of eight years and upwards, being of good character, and able to read and write, (unless unfitted by infectious disorder or other sufficient cause,) shall, to the extent and capacity of the school, be qualified for admission thereto and entitled to partake of all the benefits and advantages thereof, on payment of such sums as by this scheme are provided, but no boy shall be entitled to remain in the said school after he shall have attained the age of nineteen years. The admission and number of the boys, and their continuance in the school, shall be regulated from

Qualification of boys.

time to time by the governors, who may at any time order the admission into the school of boys residing elsewhere than in the wapentake of Elloe, if the accommodation at the school be sufficient for that purpose.

Election of boys.

51. The governors shall have the power of placing boys in the school, subject to any regulations which they may make from time to time at any meeting.

Register of boys.

52. A register shall be kept by the master of the number and description of boys from time to time in the school, and of the periods of their severally being admitted to and leaving the same, and such register shall always be open to the inspection of the governors, and of the persons authorized by them.

Suspension and expulsion of boys.

53. The governors shall have the power of dismissing and expelling any boy from the school for any breach of the rules, or for immorality, theft, indecent conduct, or insubordination, or other sufficient cause, and the master may immediately suspend any boy guilty of any such misconduct from further attendance at the school until the case can be reported to the governors, and decided upon by them.

Capitation fees.

54. The boys attending the school shall pay capitation fees, as follows; viz.—Every boy under twelve years of age such sum not exceeding one pound per quarter, and every boy being twelve years of age and upwards, such sum not exceeding one pound five shillings per quarter, as the governors shall from time to time direct.

Such capitation fees shall be paid in advance quarterly to the master, and shall be accounted for by him to the governors, in order that the same may be applied by them as directed by this scheme.

Foundation scholars.

55. The governors may, if they see fit, appoint boys from the Lower School to be foundation scholars in the Upper School, and may remit the payment of capitation fees in favour of such foundation scholars, either wholly or in part; provided that there shall not be more than six foundation scholars in the school at one time, and that no more than two such foundation scholars shall be appointed in any one year. The foundation scholars shall hold their respective appointments during such periods, and subject to such regulations and conditions, as the governors may from time to time prescribe; and such scholars (or any of them) may be appointed by the governors from time to time, upon the occasion of the annual examination of the Lower School, as herein-after mentioned.

Application of capitation fees.

56. The capitation fees received from the boys shall be applied by the governors first in providing the prizes and paying the examiner for the purposes of the examination directed by this scheme, and the clear residue of such fees shall be divided half-yearly into three parts, and two of such third parts shall be paid to the master in augmentation of his stipend, and the remaining one third part shall be paid to the assistant master (if any) in like manner, and if there be no assistant master such one third part shall be carried to the general account of the charity. Such payments to the master and assistant master (if any) shall be made half yearly, on such days as the governors may from time to time direct.

Stationery for scholars.

57. All printed books and stationery necessary for the use of the scholars shall be provided at the expense of the parents, relations, or friends of the scholars.

The

The master shall provide all requisite fuel, firing, and lights for the use of the school; and the governors, if they think fit, may allow and pay to the master out of the income of the charity such an annual sum not exceeding twenty pounds, as they may consider sufficient for those purposes.

Firing and lights.

58. Subject to the directions herein contained, and to such general regulations as the governors may from time to time prescribe, the discipline of the school, and the internal regulations and management thereof, and the holidays and vacations to be allowed, shall from time to time be under the direction and control of the master of the school.

Internal regulation of school.

59. There shall be an annual examination of the boys at the school at such time as shall be appointed by the governors; and the governors shall appoint a suitable examiner, being a graduate of one of the English universities, or of the University of Dublin, to conduct such examination, and may pay the examiner any sum not exceeding three pounds three shillings, for his trouble and expenses; and such examination shall take place in the presence of the governors, or such of them as can conveniently attend, and of the master of the school, and such other persons as the governors may from time to time invite to attend the same.

Annual examination.

60. The governors may yearly, upon the occasion of such examination, distribute such prizes as they may think fit among the meritorious scholars who shall distinguish themselves for learning or good conduct, and who in the judgment of the master of the school and the examiner shall be most deserving of the same; provided that no single prize shall exceed in value the sum of one pound, and that the whole amount to be expended in prizes in any one year shall not exceed the sum of five pounds.

Prizes.

AS TO THE LOWER SCHOOL.

61. The Lower School shall be carried on in the schoolhouse and premises hitherto used as the grammar school, subject and according to the provisions of this scheme. Such schoolhouse and premises may be adapted and fitted up by the governors for the purposes of the school, in accordance with the provisions herein-before contained for that purpose.

Schoolhouse.

62. The master of the Lower School shall be appointed by the governors at a meeting to be held for that purpose as soon as conveniently may be after the establishment of this scheme; and every vacancy in such mastership shall be filled up by the governors from time to time by a fresh appointment to be made at a meeting to be specially called for the purpose as soon as conveniently may be after the occurrence of such vacancy. The master shall be a member of the Church of England, duly qualified to give instruction in the various branches of education contemplated by this scheme for the Lower School. And for the purposes of obtaining an efficient master, the governors shall, previously to making any appointment, advertise in such newspapers and receive such testimonials of candidates as they may deem expedient.

Appointment of master.

63. The master of the Lower School shall be paid out of the income of the charity, in half-yearly payments, such an annual stipend not exceeding the sum of seventy pounds as shall be fixed from time to time by the governors.

Stipend to master.

If the master shall be removed by the governors for cause assigned, he shall be entitled to a proportionate part of his stipend, and of the portion of capitation

fees payable to the master under this scheme up to the day of his removal but if he shall be removed without cause assigned, he shall be entitled to have a quarter's notice of such removal, and to receive his stipend and proportion of capitation fees up to the expiration of such notice, or in lieu of such notice he shall, at the option of the governors, be paid a sum equivalent to a quarter's stipend and a quarter's portion of fees.

Master not to have other employment.

64. The master shall not at any time during the tenure of his office hold or exercise any other office, appointment, or employment whatsoever, except as permitted by this scheme.

Master's residence.

65. The governors, if they so think fit, may provide a suitable house and premises in the parish of Moulton for the residence of the master of the Lower School (either by renting, or by purchasing, or building the same,) out of the funds and resources of the charity; provided that no such house or premises shall be so purchased or built by the governors without the sanction of the Board of Charity Commissioners for England and Wales.

Master to reside.

66. The master shall reside in the parish of Moulton, and in case any residence shall be provided for him by the governors, in accordance with the foregoing provision, he shall reside therein, and have the use and occupation thereof in his official character, and not as tenant, and he shall not underlet or part with the possession of the same residence and premises, or any part thereof, and in case of his removal he shall deliver up possession thereof to the governors, or as they shall direct.

Removal of master.

67. The master shall hold office during the pleasure of the governors, who may from time to time remove him from his office as they shall see occasion, at a meeting to be duly convened for that purpose, either with or without assigning cause for such removal.

Declaration to be signed by master.

68. Every master previously to entering into office shall be required to sign a declaration to be entered in the minute book of the governors in the following form :—

“ I, _____, declare that I will always, to the best of my ability, discharge the duties of master of the Lower School at Moulton during my tenure of the office, according to the provisions of the scheme for the regulation thereof; and that in case I shall be removed by the governors I will acquiesce in such removal, and will thereupon relinquish all claim to the mastership and its future emoluments, and will deliver up possession of the school and school residence (if any) to the governors.”

Assistant master or teachers.

69. If circumstances require it, and the funds and resources of the charity shall be sufficient, the governors may from time to time appoint an assistant master, and any additional teacher or teachers, for the purposes of the school, at such respective salaries, not exceeding the annual sum of fifty pounds for each such salary, as the governors may think proper; and such assistant master and teachers respectively may be at any time removed by the governors with or without notice or cause assigned.

Masters not to receive other than authorized fees.

70. Neither the master nor any assistant master or teacher shall at any time receive or demand from any boy in the school, or from any person whomsoever on behalf of any such boy, any gratuity, fee, or payment other than as is prescribed or authorized by this scheme.

71. The

71. The instruction to be afforded in the Lower School shall be in the principles of the Christian religion, reading, writing, spelling, vocal music, general history and geography, English grammar, arithmetic, book and account keeping; and elementary instruction shall be given in the sciences applicable to trades and useful pursuits, and in such other subjects as the Governors may from time to time authorize or direct, with the view of providing a sound, moral, religious, and useful education adapted for the working, labouring, and other poorer classes. But the governors may defer any portion of the instruction herein-before specified which the funds of the school may be not sufficient to provide; and for the purposes of convenient instruction they may divide the school into such departments or sections as they may think fit.

Instruction.

72. Religious instruction shall be given by the master at such times as he shall think best, by reading and explaining the Holy Scriptures to all the boys; and instruction in the catechism of the Church of England shall also be given by the master in like manner to all the boys, except those whose parents, or persons standing in loco parentis, (being respectively persons not in communion with that Church,) shall state in writing to the master or the governors that they object to such last-mentioned instruction upon conscientious grounds.

Religious instruction.

73. Suitable prayers, taken from the liturgy of the Church of England, shall be read by the master every morning and evening in the school.

Prayers in school.

74. The boys, accompanied by the master, shall attend Divine Service in the parish church at Moulton regularly on Sundays, with the exception of those boys (if any) whose parents, or persons standing in loco parentis, (being respectively persons not in communion with the Church of England,) shall state in writing to the governors or the master that they object to such attendance upon conscientious grounds; and in such case the master shall take care, as far as possible, that all such boys shall regularly attend some other place of religious public worship on Sundays.

Attendance at church.

75. All boys residing in the parish of Moulton of the age of six years and upwards, and being of good character, (unless unfitted by infectious disorder or other sufficient cause,) shall, to the extent and capacity of the school, be capable of admission to the Lower School, and entitled to partake of all the benefits and advantages thereof, on payment of such sums as by this scheme are provided; but no boy shall be entitled to remain in the said school after he shall have attained the age of seventeen years; and the admission and number of the boys, and their continuance in the school, shall be regulated from time to time by the governors, who, if they shall think fit, and if the accommodation of the school be sufficient, may at any time order that boys from any of the neighbouring parishes shall be admissible to the school in addition to those residing in the said parish of Moulton.

Qualification of boys.

76. The governors shall have the power of placing the boys in the school, subject to such regulations as they may from time to time prescribe at any meeting.

Election of boys.

77. A register shall be kept by the master of the number and description of boys from time to time in the school, and of the respective periods of their being admitted to and leaving the same; and such register shall always be open to the inspection of the governors and of the persons authorized by them.

Registry of boys.

Suspension and
expulsion of
boys.

78. The boys at the school shall be liable to dismissal or expulsion by the governors for any breach of the rules, or for theft, immorality, indecent conduct, or insubordination, or other sufficient cause; and the master shall have power immediately to suspend any boy guilty of any such misconduct from further attendance at the school, until the case can be reported to the governors, and decided upon by them.

Capitation fees.

79. The governors shall be at liberty to direct that the boys attending the school shall pay capitation fees as follows; viz.—Every boy under twelve years of age, such sum not exceeding four shillings per quarter, and every boy, being twelve years of age and upwards, such sums not exceeding six shillings per quarter, as the governors may from time to time authorize or direct; and all capitation fees (if any) to become payable under this provision shall be paid by each boy, or his parents or friends, in advance quarterly to the master, who shall account for the same to the governors; but the governors may, in particular cases, if they see fit, direct that such capitation fee may be paid weekly or monthly; and they may, on the ground of poverty or other sufficient reason, excuse in special cases the payment of such capitation fees, either wholly or in part.

Application of
capitation fees.

80. The capitation fees (if any) to be received from the boys shall be paid and applied by the governors as follows; viz.—Two third parts thereof shall be paid half-yearly to the master of the school, in augmentation of his stipend, and the remaining one third part shall be applied towards increasing the remuneration of the assistant master or teachers of the school respectively (if any), or in providing prizes for the boys as herein-after mentioned, or for the general purposes of the charity, as the governors, in their discretion, shall think fit.

Stationery for
scholars.

81. All printed books, slates, and stationery necessary for the use of the boys shall be provided and found by and at the expense of their respective parents, relations, or friends; but the trustees shall be at liberty to dispense with this provision in cases of necessity arising from poverty or other sufficient cause.

Firing, lights,
and attendance.

82. All requisite firing, fuel, and lights for the use of the school, and the requisite attendance for cleaning and taking care of the schoolhouse, shall be provided by the governors out of the income of the charity.

Internal regu-
lation of school.

83. Subject to the directions herein contained, and to such general regulations as the governors may from time to time prescribe, the discipline of the school, and the internal regulations and management thereof, and the holidays and vacations to be allowed, shall from time to time be under the direction and control of the master of the school.

Annual exami-
nation.

84. There shall be an annual examination of the boys at the school at such time as shall be appointed by the governors; and the governors shall appoint some fit and proper examiner to conduct such examination, and may pay the examiner any sum not exceeding one guinea for his trouble and expenses; and such examination shall take place in the presence of the governors, or such of them as can conveniently attend, and of the masters of the Upper and Lower Schools, and such other persons as the governors may from time to time invite to attend the same. With the approbation of the governors, either the master or assistant master of the Upper School may act as the examiner at any such annual

annual examination; but in that case no payment shall be made to such master or assistant master respectively for their respective services.

85. The governors may yearly, upon the occasion of such last-mentioned examination, distribute such and so many prizes as they may think fit among the meritorious scholars who shall distinguish themselves for learning or good conduct, and who in the judgment of the master of the school and the examiner shall be most deserving of the same; provided that no such single prize shall exceed in value the sum of 10s., and that the whole amount to be expended in such prizes in any one year shall not exceed the sum of two pounds. Subject to the provision herein-after contained respecting the foundation scholars to be appointed in the Upper School, the appointment to such foundation scholarships may be made the subject of competition at the said annual examinations at the Lower School; and such appointments may be given by the governors from time to time to the boys who upon the occasion of such examination shall appear to be most deserving thereof, having regard to their respective proficiency, capacity, and general conduct. Prizes.

Endowed School at Moulton.

A

BILL

INTITLED

An Act for confirming a Scheme of the
Charity Commissioners for the En-
dowed School at Moulton in the
County of Lincoln.

(*Brought from the Lords 25 June 1856.*)

*Ordered, by The House of Commons, to be Printed,
26 June 1856.*

[Bill 201.]

Under 3 oz.

4 February 1856. 19 VICT.



A

B I L L

TO

Make better Provision for the Management of
Episcopal and Capitular Estates.

WHEREAS the Ecclesiastical Commissioners for England, Preamble.
by virtue of various Acts of Parliament and Orders of
Her Majesty in Council, are invested with a considerable
Control over and possessed of an Interest in the Estates and Revenues
5 belonging to various Ecclesiastical Bodies: And whereas by an Act ^{13 & 14 Vict.}
passed in the Fourteenth Year of the Reign of Her Majesty Power ^{c. 94.}
was given to Her Majesty to appoint certain Lay Members of the
United Church of England and Ireland to be Church Estates Com-
missioners and Members of the Body Corporate of the Ecclesiastical
10 Commissioners for England: And whereas it is expedient to make
further Provision for the Management and Control of Episcopal and
Capitular Estates and Revenues, so as to render such Estates and
Revenues most productive and beneficial to the Established Church,
and most conducive to the spiritual Welfare of the People, and so as
15 to secure annual Incomes to Archbishops and Bishops in a Manner
most befitting their spiritual Character: Be it therefore enacted by
the Queen's most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
[Bill 5.] A present

present Parliament assembled, and by the Authority of the same, as follows: That—

Profits and Revenues of Episcopal and Capitular Estates to be received by Ecclesiastical Commissioners, and Management vested in said Commissioners.

Proviso, Commissioners not to have any Estate in such Premises other than for the Purposes of this Act.

Agreement to be entered into between Ecclesiastical Commissioners and Bishops for the Payment of Incomes.

I. From and after the *First Day of January One thousand eight hundred and fifty-seven* all the Profits, Emoluments, and Revenues which shall arise from the Real Estate belonging to or forming Part of the Endowment of any Ecclesiastical Corporation Aggregate or Sole shall, as respects any See in which no Avoidance has happened since the First Day of January One thousand eight hundred and forty-eight, and the Bishop whereof does not already receive a fixed Income from the Ecclesiastical Commissioners for England, immediately from and after the First Avoidance of such See, and as respects all other Ecclesiastical Corporations immediately from and after the Commencement of this Act, be from Time to Time paid to and received by the said Commissioners in as full and ample a Manner as such Ecclesiastical Corporation, or its Successor, as the Case may be, would if this Act had not been passed be entitled to receive the same, and be carried to the Common Fund of the said Ecclesiastical Commissioners, and subject to such particular Payments as are herein-after directed to be made thereout, shall be dealt with by them as a Part of such Fund for the Purposes to which the same is liable, under the Third and Fourth Victoria, Chapter One hundred and thirteen, Section Sixty-seven, and the Lands and Hereditaments yielding the same shall, except as is herein otherwise provided, remain and be under the sole Management and Control of the said Commissioners for such Purposes accordingly: Provided always, that nothing herein-before contained shall be construed to vest the Fee of such Lands and Hereditaments in the Commissioners, or to give them any further Interest in or Power over the same, except such as may be necessary for managing and disposing the same in accordance with the Provisions of this Act.

II. So soon as the Real Estate belonging to any Bishop in right of his See becomes subject to the Management of the Commissioners under this Act, the Ecclesiastical Commissioners for England shall enter into an Agreement with such Bishop for the Payment to him of such Sum or Sums of Money as may be necessary, in addition to those derived from any Sources of Income not hereby placed under the Control and Management of the Commissioners, to secure to such Bishop the annual net Sum fixed by Parliament as the Income of his See; and such Agreement shall be submitted to Her Majesty in Council by a Scheme for that Purpose prepared by the Ecclesiastical Commissioners under their general Powers in that Behalf, and when such Scheme shall have been approved and ratified, such Sum or Sums shall be paid yearly and every Year to such Bishop by the Ecclesiastical

siastical Commissioners, and shall be payable out of and be a Charge upon their Common Fund.

III. For the better Accomplishment of the Objects and Provisions of this Act, there shall be a Committee of the Ecclesiastical Commissioners for England, to be called the "Episcopal Estates Committee," and such Committee shall have the Charge and Management of all Matters relating to the Episcopal Estates vested in the said Ecclesiastical Commissioners; and such Committee shall consist of Three Members, and the First Church Commissioner appointed by virtue of the Powers given by the Act passed in the Fourteenth Year of the Reign of Her Majesty, intituled "An Act to amend the Acts relating to the Ecclesiastical Commissioners for England," shall be the First Member of the Episcopal Estates Committee; and it shall be lawful for Her Majesty, under Her Royal Sign Manual, to appoint any Lay Member of the United Church of England and Ireland to be the Second Member of such Episcopal Estates Committee; and the Third Member of such Committee shall be appointed by the Bishops, or by the Majority of them.

Appointment of an "Episcopal Estates Committee."

IV. The Appointment of the Third Member of the Episcopal Estates Committee may be made by the Bishops as aforesaid at any Meeting of them convened by Authority of the Archbishop of Canterbury for the Time being for the Purpose of appointing such Third Member, at which Meeting Proxies may be taken for the Appointment of such Third Member; and the Appointment of such Third Member shall be certified to the Ecclesiastical Commissioners by the said Archbishop under his Hand and Archiepiscopal Seal; and the Second and Third Members of the Episcopal Estates Committee, so long as they may hold Office as Members of the said Committee, shall be Ecclesiastical Commissioners and Members of the Body Corporate of "the Ecclesiastical Commissioners for England," in addition to the other Members for the Time being of such Body Corporate; and such Second and Third Members of the Episcopal Estates Committee shall each receive a Salary not exceeding the yearly Sum of *One thousand Pounds*, to be determined by the Commissioners of Her Majesty's Treasury, and to be paid from Time to Time out of the Monies in the Hands of the Ecclesiastical Commissioners for England.

Third Member of Episcopal Estates Committee, how to be appointed.

Salaries of Second and Third Members of Committee.

V. If any Bishop of the Established Church in England or Wales, who has succeeded to his See upon an Avoidance thereof which has happened before the First Day of January One thousand eight hundred and forty-eight, signify to the Commissioners, by Writing under his Episcopal Seal, his Desire to become subject to the Provisions of this Act in like Manner as if he had succeeded to his See upon an

Existing Bishops enabled to come into Arrangements affecting future Bishops.

Avoidance thereof after the Day aforesaid, then it shall be lawful for the Commissioners, if they think fit, by an Order under their Hands to direct that from a Time mentioned in such Order the Real Estate of or to which such Bishop shall be then seised or entitled in respect of his See, or which shall legally be annexed thereto, shall be under 5 their Management, and thereupon all the Provisions herein contained shall be applicable to such Bishop, and to the Real Estate of such Bishop, and to Persons employed by him, in like Manner as if he had succeeded to his See on an Avoidance thereof after the Day aforesaid.

Bishop to be
allowed to
take to farm
Land not
exceeding in
whole 100
Acres.

VI. Nothing herein-before contained shall be held to apply to the 10 Palace or usual House of Residence of any Bishop, or to the Gardens or Pleasure Grounds appertaining thereto, and it shall be lawful for such Bishop to retain under his own Management any Lands, not exceeding on the whole *One hundred Acres*, lying adjacent or contiguous to such Palace or usual House of Residence, such Lands to 15 be deemed and considered to be the Glebe or Demesne Lands belonging to the See, and to be held or occupied by the Bishop for the Time being of such See for Farming Purposes only; and so long as such Lands shall be attached to the See, and remain under the Management of the Bishop thereof, no Mines or Quarries shall be opened or 20 worked upon the same, nor shall any Lease of the same be granted otherwise than from Year to Year and at the best Rent that can be reasonably gotten; and if it shall at any Time appear advisable to the Commissioners that such Lands or some Part thereof should be made applicable for building, mining, or other Purposes than farming, then 25 it shall be lawful for the Commissioners, with the Consent of the Bishop for the Time being, to take such Lands or such Part thereof under their own Management for such Purposes, and shall substitute in place thereof other Lands equal in Extent to the whole or the Part so taken away, to be held and enjoyed by the Bishop of such See in 30 manner aforesaid; and nothing herein contained shall give the Commissioners any Power or Control over the House or Houses of Residence occupied by the Dean or any other Member of an Ecclesiastical Corporation Aggregate, or their Appurtenances, or over any Lands or Tenements included in and generally known by the Name 35 of "Cathedral Precincts."

No Palace of
a Bishop or
House of
Residence of
any Member
of an Eccle-
siastical Cor-
poration to
be let on
Lease.

VII. No Grant or Lease shall be made by any Bishop or any 40 Member of an Ecclesiastical Corporation Aggregate of the Palace or usual House of Residence belonging to such Bishop or such Member, or of any Offices, Outbuildings, Yards, Gardens, Orchards, or Pleasure Grounds to any such Palace or other House of Residence, and which may be necessary or Convenient for actual Occupation with such Palace or House of Residence, and no Grant or Lease shall be made by

by the Commissioners of any Mines, Minerals, Quarries, Water-courses, Ways, or other Easements, the Grant or Lease whereof may be prejudicial to the Enjoyment of any such Palace or House of Residence or the Pleasure Grounds belonging thereto.

- 5 VIII. It shall be lawful for the Ecclesiastical Commissioners, at the Request of any Bishop, and whenever such an Arrangement can be effected, to place absolutely under the Control of or cause to be conveyed, as the Case may be, to such Bishop, as Part of the Income of his See, any Tithes the Lease whereof may have expired or have
 10 been surrendered, whether such Tithes may have originally belonged to his See or not, and such Tithes when so conveyed shall be under the Control of such Bishop, but no new Lease of such Tithes shall in future be granted.

Commissioners may place Tithes in certain Cases under the Management and Control of Bishops.

- IX. The Provisions of this Act, so far as they may relate to Capitu-
 15 tular Estates, shall be carried into effect by the Estates Committee of the Ecclesiastical Commission constituted by the Seventh Section of the Act of the Thirteenth and Fourteenth of Victoria, Chapter Ninety-four.

Church Estates Committee to execute so much of this Act as relates to Capitular Estates.

- X. The Dean and Chapter of every Cathedral and Collegiate
 20 Church shall furnish the Ecclesiastical Commissioners for England with a Statement of such annual or other Sums of Money as may be necessary to provide for the Payment of each of the respective Charges and Outgoings specified in the Schedule hereto, calculated upon an Average of the annual Expenditure made by such Dean and Chapter
 25 in respect of such Charges and Outgoings during the *Seven Years* immediately preceding the passing of this Act, or such longer Period as the Commissioners may see fit to direct; such Statement shall be certified by the Visitor of the Cathedral or Collegiate Church in each Case respectively, and when such Statement has been established
 30 to the Satisfaction of the Ecclesiastical Commissioners, Provision shall be made for the Payment of such Sums in manner herein-after mentioned; the Payment of such annual or other Sums of Money shall be subject nevertheless to any Alteration made therein at any Time by any Order in Council regulating the Incomes of Members of Chapters,
 35 or other Charges or Payments incidental to the Maintenance of Cathedral and Collegiate Churches, or authorizing the Payment by the Ecclesiastical Commissioners to any Chapter of any additional Sum which may be required by them to defray the Cost of the Reparation or Alteration of the Cathedral Fabric, which the said Commis-
 40 sioners are hereby authorized from Time to Time, if necessary, to make accordingly.

Deans and Chapters to furnish Ecclesiastical Commissioners with a Statement of entire Charges and Outgoings.

Deans and Chapters to furnish the Ecclesiastical Commissioners with a Return of Monies received by them, and Deficiency to be made good by the Commissioners.

XI. The Dean and Chapter of every Cathedral and Collegiate Church shall make a full and accurate Return to the Ecclesiastical Commissioners for England of all Monies which shall yearly be received by or accrue to them in respect of any Sources of Income not hereby placed under the Management and Control of the Commissioners, and such Sums so accruing shall be applied by such Dean and Chapter towards discharging the several Charges and Outgoings enumerated in the Schedule hereto, and the Deficiency, if any, shall be made up and paid by the Ecclesiastical Commissioners to such Dean and Chapter out of and be a Charge upon their Common Fund until such Time as the Management and Control of a Real Estate adequate for the entire Payment of such Charges shall have been transferred to such Dean and Chapter in manner herein-after provided.

After a certain Period the Management of Real Estate may be transferred to Corporations Aggregate.

XII. The Ecclesiastical Commissioners, so soon as they may be able after the Expiration of *Three* Years from the passing of this Act, shall, if required so to do by the Dean and Chapter of any Ecclesiastical Corporation Aggregate in Writing under their Corporate Seal, place under the sole Control and Management of such Corporation such a Portion of Real Estate, consisting of Lands, Houses, Tithes, or Rents, as shall yield a net annual Income, after deducting Rates, Taxes, and other Outgoings, including Costs of Management, sufficient (in the Opinion of Arbitrators to be appointed, if necessary, as in the Manner herein-after mentioned) to pay and discharge such Outgoings and Charges as are specified in the Schedule hereto; and such Real Estate, so far as it consists of Land, shall at the Time of such Transfer be Freehold of Inheritance, free from Incumbrances, and shall be subject to no Lease for a longer Term than *Twenty-one* Years in possession, at the best Rent that can be reasonably gotten for the same, and as far as may be expedient or practicable shall be Lands that have been purchased, taken in exchange, or discharged from the Interests of Lessees by the Purchase of such Interests, pursuant to the Powers and Provisions of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter One hundred and four, and of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her Majesty, Chapter One hundred and sixteen, and of this Act; and the Surplus, if any, of the Real Estate of such Corporation which shall remain under the Management of the Commissioners, shall therein-after vest absolutely in the Ecclesiastical Commissioners for England, freed and discharged of all Rights, Powers, and Authorities of any such Ecclesiastical Corporation in relation thereto, without any Conveyance or Assurance in Law other than the passing of this Act, and the Profits and Emoluments thereof shall be carried by them to and form Part of and be applicable for the Purposes of their Common Fund.

XIII. The

XIII. The Ecclesiastical Commissioners shall keep a separate Account of all Monies paid and received by them in respect of the Real Estate of each Ecclesiastical Corporation, distinguishing the Corporation in respect of which the same shall be paid or received, and
 5 the Balance of all such Monies, after Payment thereof of all necessary Outgoings and Expenses connected with such Premises and of all the Costs of collecting and receiving such Sums, shall be carried to and form Part of the Common Fund of the Ecclesiastical Commissioners; and any Ecclesiastical Corporation, or any Person or Persons duly
 10 authorized on their Behalf, or any Member of any Ecclesiastical Corporation, shall be at liberty to inspect the Accounts of the Ecclesiastical Corporation of which he is a Member, and shall be at liberty to require a Copy of such Account, to be certified by the Clerk or other Person entrusted by the Commissioners with the Custody or keeping
 15 of such Accounts, upon Payment of the reasonable Expense of providing the same.

Ecclesiastical Commissioners to keep a separate Account of Monies received in respect of each Corporation.

XIV. All and every Sum or Sums which by this Act are made payable by the Commissioners to any Ecclesiastical Corporation, or to any Member of any Ecclesiastical Corporation, shall be a Charge
 20 upon the Common Fund of the Ecclesiastical Commissioners for England, and shall have Priority over all other Payments to be made thereout, anything contained in any other Act of Parliament to the contrary notwithstanding.

Payments to be made by Commissioners charged upon the Common Fund of the Ecclesiastical Commissioners for England.

XV. If any Sum or Sums of Money, or any Part thereof, hereby
 25 made payable to any Ecclesiastical Corporation Aggregate or Sole shall at any Time be unpaid for *Forty* Days next after any of the Times agreed upon for the Payment of the same between such Corporation and the Ecclesiastical Commissioners, except such Non-payment within such Time shall be occasioned by such Ecclesiastical
 30 Corporation failing to establish to the Satisfaction of the Commissioners the Return herein-before directed to be made, it shall be lawful for any such Corporation to enter into and upon and to hold the Lands and Hereditaments belonging to such Corporation or any Part thereof, and to take the Profits and Emoluments thereof until such Corpora-
 35 tion shall therewith and thereby or otherwise be fully paid and satisfied the Sum or Sums of Money so in arrear at the Time of such Entry, or afterwards to become due during the Time of such Corporation being in possession of the same Premises, together with all Costs and Expenses sustained by reason of the Nonpayment thereof, and such
 40 Possession when taken to be without Impeachment of Waste.

Power of Re-entry.

XVI. The Commissioners shall, in relation to the Real Estate of any Ecclesiastical Corporation which shall be under their Manage-
 [5.] A 4 ment

Rights and Obligation of Commis-

sioners in
respect of
Estates
under their
Manage-
ment.

ment as aforesaid, have and exercise all Powers, Authorities, and Discretion which would if this Act had not been passed be vested in or might be exercised by such Corporation, either with or without the Consent or Approval of the Commissioners, as incident to the Ownership, Right, or Title to such Real Estate, or otherwise in 5 respect thereof, in case the Management thereof had not been transferred to the Commissioners, and shall be subject to the same Obligations in respect of such Lands and Hereditaments as such Corporation would have been subject to; and no Consent or Approval of any Ecclesiastical Corporation or any Member of any Ecclesias- 10 tical Corporation shall be necessary for the Validity of any Deed or Thing to be executed or done by the Commissioners with respect to the Lands and Hereditaments belonging to such Corporation.

Provision
respecting
Leases to be
granted by
any Eccle-
siastical
Corporation
Aggregate.

XVII. No Lease of any Portion of the Real Estate belonging to any Ecclesiastical Corporation Aggregate, which is by this Act placed 15 under the sole Control and Management of such Corporation, shall without the Consent of the Commissioners be granted by such Corporation otherwise than from Year to Year, or for a Term of Years in possession not exceeding *Twenty-one* Years, at the best Rent that can be reasonably gotten for the same, without Fine, Premium, or Fore- 20 gift, the Lessee not to be made dispunishable for Waste or exempted from Liability in respect of Waste; and previously to the granting of any such Lease by any Ecclesiastical Corporation it shall be lawful for the Commissioners to require a Copy of any proposed Lease to be submitted to them, and shall notify to such Corporation their Objec- 25 tions (if any) to the Terms or Covenants therein contained, together with any Alterations which they may deem expedient to be made therein; and in the event of such Corporation refusing or omitting to allow or adopt such Objections or Alterations the Matter shall be referred to Arbitrators to be chosen by the Commissioners and such 30 Corporation respectively, and the Decision of such Arbitrators, or of an Umpire appointed by them in case of Disagreement, shall be given within *Three* Months from the Time of such Reference, and shall be final with respect to the Matters at issue.

Power of
Endowment
reserved to
Ecclesiasti-
cal Corpora-
tion.

XVIII. Any Ecclesiastical Corporation Aggregate or Sole shall, 35 with the Consent of the Commissioners, be at liberty to apply any Part of the Estates and Revenues belonging to or forming the Endowment or Part of the Endowment of such Corporation in or towards the Augmentation of any Benefice the Tithes belonging to which are vested in such Corporation, or otherwise towards making 40 a permanent Provision for the spiritual Wants of any Place, Parish, or District in which the Estates and Revenues of such Corporation may be situate or arise, or to make a Grant of any Portion of Land for a Site

a Site for a Church, School, or Parsonage House, or to mortgage any Portion of the Real Estate of such Corporation with a Sum or Sums to be applied towards the building of a Church, School, or Parsonage House.

- 5 XIX. All the Powers which by an Act passed in the Fourteenth and Fifteenth Years of Her Majesty's Reign, Chapter One hundred and four, and by another Act passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter One hundred and sixteen, may be exercised by any Ecclesiastical Corporation, with
10 the Consent of the Church Estates Commissioners, with respect to the Property of such Corporation, shall, when the Real Estate of such Corporation is by this Act brought under the Management of the Ecclesiastical Commissioners, be exercised and be continued to be exercised by them solely with respect to such Real Estate, without
15 the Consent of such Corporation being requisite thereto, subject nevertheless to all such and the like Provisoos, Restrictions, Conditions, and Limitations as are in the said Act contained, and all other Matters or Things which are required by the said Acts to be done by the Church Estates Commissioners consequent upon any Sale,
20 Enfranchisement, Exchange, Purchase, or Investment, shall, so far as the same are not inconsistent with the Provisions of this Act, be done and executed by such Committee for the Purposes of this Act.
- Powers of 14 & 15 Vict. c. 104. and 17 & 18 Vict. c. 116. transferred to Ecclesiastical Commissioners.

- XX. The Ecclesiastical Commissioners shall include in the Report which they are by the Twenty-sixth Section of an Act of the
25 Thirteenth and Fourteenth Years of the Reign of Her Majesty, Chapter Ninety-four, directed to make to One of Her Majesty's Principal Secretaries of State, a Report of all Matters or Things undertaken or executed by them pursuant to the Provisions of this Act, and shall furnish such other Information to such Secretary of
30 State at the same or such other Time as he may direct; and so far as relates to Proceedings under the Eighteenth Section of this Act, the said Report shall contain such Schedule, Statements, and Information touching the same as is provided by the Tenth Section of an Act of the Fourteenth and Fifteenth Years of the Reign of Her
35 Majesty, Chapter One hundred and four, relative to the Report thereby directed to be made by the Church Estates Commissioners concerning their Proceeding under the said Act.
- Commissioners to report annually to the Secretary of State.

- XXI. All Deeds, Instruments, and Writings which if the Estates and Revenues to which they relate were not under the Management
40 of the Commissioners would require to be sealed by any Bishop under his Episcopal Seal, or by the Corporate Seal of any Ecclesiastical Corporation Aggregate, shall, so long as such Estates and Revenues are under the Management of the Commissioners, be sealed with
- Deeds, Instruments, and Conveyances, how to be made.

[5.]

B

their

their Seal, and be expressed to be made by them on behalf of such Bishop or such Corporation, and shall be valid and effectual to all Intents and Purposes as if the same had been sealed by such Bishop or such Ecclesiastical Corporation Aggregate.

Act not to interfere with certain Parliamentary Powers of Sale and Exchange.
42 G.3.c.116.
&c.

XXII. Provided always, That nothing in this Act contained shall 5 extend to prevent any Sale, Exchange, or other Disposition of Church Property which might be made for Redemption of the Land Tax under the Provisions of the Act of the Forty-second Year of George the Third, Chapter One hundred and sixteen, or any Act continuing 10 the same, or under any of the Church Building Acts, or of the Acts passed for the Conveyance of the Sites for Schools, or under any of the Acts for enabling spiritual Persons to exchange their Parsonage Houses or Glebe Lands, or under the Act of the Fifth Year of William the Fourth, Chapter Thirty, or any Sale, Exchange, or other Disposition of Church Property which may be authorized by any Act of 15 Parliament specially relating to the Lands thereby disposed of, nor any Act or Deed which might lawfully be done or executed by the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the poor Clergy.

Provisions to be made for Places where Tithes arise.

XXIII. And whereas it is enacted by the Act of the Third and 20 Fourth Years of Her Majesty, Chapter One hundred and thirteen, that in any Conveyance or Assignment of Tithes by the Commissioners for the Purpose of making additional Provision for the Cure of Souls in those Parishes where such Assistance is most required due Consideration shall be had of the Wants and Circumstances of the Places in which 25 such Tithes now arise or have heretofore arisen: And whereas it is expedient that such Provisions should be extended: Be it therefore enacted, That with respect to any Tithes, Lands, or Hereditaments now belonging to or forming Part of the Property or Endowment of any Ecclesiastical Corporation, Aggregate or Sole, in any Case wherein 30 the Management of such Property is under the Provisions of this Act vested in the Commissioners, upon the Expiration or Surrender of any Lease or Grant under which such Tithes, Lands, and Hereditaments may now be held, such Provision shall, if possible, be made for the spiritual Wants of the Places where such Tithes shall have thereto- 35 fore arisen, or such Lands or Hereditaments shall be situated, as shall be sufficient in the Judgment of the Commissioners, anything in any other Act contained to the contrary notwithstanding: And with respect to any Lands, Tithes, or Hereditaments belonging to any Ecclesiastical Corporation Aggregate which may hereafter be- 40 come permanently vested in the Ecclesiastical Commissioners at the Expiration or Surrender of any Lease under which the same may be held at the Time of their becoming so vested, a like Provision shall be made.

XXIV. It

XXIV. It shall be lawful for the Commissioners from Time to Time either to retain or employ for the Purposes of this Act any Officers, Stewards, Clerks, or Persons heretofore employed by any Ecclesiastical Corporation in the Management, Receipt, Collection, or Auditorship of any Real Estate of which the Management shall be by this Act vested in the Commissioners, and to assign such Duties to them or any of them as the Commissioners think fit, and to remove them from Time to Time.

Commissioners to retain or employ Officers.

XXV. The Commissioners shall pay¹ to any Person or Persons holding Offices for Life who may be injured by the Operation of this Act, and who shall be removed by them, such Sum of Money and at such Times and by way of Annuity as to the Commissioners of Her Majesty's Treasury may appear reasonable, by way of Compensation for Loss of Office or for Loss sustained by the Operation of this Act: Provided always, that when such Person shall be permanently placed in any other Office of which the Salary and Emoluments are equal to or more than the whole of such Compensation, and so long as he shall continue to be so placed, then such Compensation shall altogether cease to be paid; and where such Salary and Emoluments shall amount to Part of such Compensation, then he shall be entitled to receive only such Compensation as shall be equal to the Difference between the full Amount thereof and the Amount of the Salary and Emoluments of the Office in which he may be so placed.

Compensation to Persons affected by the Provisions of this Act.

XXVI. Nothing contained in this Act shall be construed to interfere with the Provisions of certain Orders in Council, that is to say, an Order in Council published in the London Gazette of the Tenth Day of September One thousand eight hundred and fifty-two, an Order in Council published in the London Gazette of the Seventeenth Day of December One thousand eight hundred and fifty-two, an Order in Council published in the London Gazette of the Second Day of May One thousand eight hundred and fifty-four, and an Order in Council published in the London Gazette of the Fourth Day of July One thousand eight hundred and fifty-four, for securing Money Payments to the Dean and Chapters of York, Carlisle, Peterborough, and Chester respectively.

Act not to interfere with Orders in Council for securing Money Payments to Chapters of York and Carlisle.

XXVII. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them respectively, so far as such Meanings are not excluded by the Context or by the Nature of the Subject Matter; (that is to say,)

Interpretation.

The Word "Commissioners" shall mean the Estates Committee of the Ecclesiastical Commission:

"Commissioners:"

[5.]

C

The

" Ecclesiastical Corporation."

The Expression " Ecclesiastical Corporation " shall include every Archbishop, Bishop, Dean and Chapter, Dean, Archdeacon, Canon, Prebendary, and other Dignitary or Officer of any Cathedral or Collegiate Church in England or Wales, and every minor Ecclesiastical Corporation or College of Vicars in any such Cathedral or Collegiate Church, but shall not include any other College or Hospital, or any Parson, Vicar, or Perpetual Curate, or other Incumbent of any Benefice :

" Church Property :"

The Expression " Church Property " shall mean any Lands, Estates, or other Hereditaments of or to which any Ecclesiastical Corporation shall be seised or entitled in right of his or their See, Church, Dignity, Stall, Preferment, Office, or which shall legally or by Custom be annexed thereto respectively ; also any Profits, Emoluments, or Revenues arising from such Property to which any Ecclesiastical Corporation shall be entitled in such Right as aforesaid, or which shall be payable to the Ecclesiastical Commissioners for England, either on behalf of such Ecclesiastical Corporation or in their own Behalf as part Owners thereof with any such Ecclesiastical Corporation :

" Estates and Revenues :"

The Expression " Estates and Revenues " shall mean the whole Amount of the Possessions, Profits, and Emoluments of any Ecclesiastical Corporation for the Time being, and which shall be Church Property within the Meaning of this Act :

" Real Estates :"

The Expression " Real Estates " shall mean and include all Manors, reputed Manors, Rectories, Messuages, Tenements, Tithes, Rents, Mines, Minerals, and Quarries, as well in reversion as possession, and any Leasehold Interest therein, and every individual Share thereof, and generally shall mean such and so much of Church Property within the Meaning of this Act as shall be subject to the Management and Control of the Commissioners :

" Tithes :"

The Word " Tithes " shall mean all Rectories Improprite, Great and Small Tithes, or Portions of Tithes, Moduses, Compositions, and Rentcharges in lieu of Tithes, or Common or other Lands given in lieu of Tithes, which shall be Church Property within the Meaning of this Act :

" Mines :"

The Word " Mines " shall include all Mines and Minerals containing Metals and also all Mines of Coal which shall be Church Property within the Meaning of this Act :

" Bishop and " See :"

The Word " Bishop " shall include an Archbishop, and the Word " See " shall apply as well to an Archiepiscopal as to an Episcopal See.

SCHEDULE.

THE Incomes of the Dignitaries of the Cathedral or Collegiate Church.

The Stipends of the Minor Canons and of the other Officers and Bedesmen of the Cathedral or Collegiate Church.

The annual Cost for the Provision and Repair of the Church Furniture, and all other Costs, Charges, and Expenses incident to the Performance of the Service.

The annual Cost for the Maintenance of the Cathedral and the Cathedral Precincts.

Amount of Augmentations to all Vicarages and Benefices charged on or payable from the Cathedral Funds.

Amount of Subscriptions and Donations to Churches, Schools, Parsonage Houses, Charities, or otherwise.

Episcopal and Capitular Estates.

A

BILL

To make better Provision for the Management of Episcopal and Capitular Estates.

(Prepared and brought in by
Marquis of Blandford and Mr. George Butt.)

Ordered, by The House of Commons, to be Printed,
4 February 1856.

[Bill 5.]

Under 2 os.

9 July 1856. 19 & 20 VICT.



A

B I L L

TO

Continue the Act to facilitate the Management
and Improvement of Episcopal and Capitular
Estates in England.

WHEREAS an Act was passed in the Session holden in the **Preamble.**
Fourteenth and Fifteenth Years of Her Majesty, Chapter 14 & 15 Vict.
One hundred and four, to facilitate the Management and c. 104.
Improvement of Episcopal and Capitular Estates in England, which
5 Act was limited in Duration to Three Years from the End of the
then Session of Parliament, and by the Act of the Session holden in
the Seventeenth and Eighteenth Years of Her Majesty, Chapter 17 & 18 Vict.
One hundred and sixteen, the firstly herein mentioned Act was c. 116.
amended, and as so amended was continued for Two Years from the
10 End of the then Session of Parliament: And whereas it is expedient
further to continue the said firstly-mentioned Act as so amended:
Be it therefore enacted by the Queen's most Excellent Majesty, by
and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
15 by the Authority of the same, as follows:

[Bill 235.]

I. The

Acts continued.

I. The firstly herein mentioned Act, as amended as aforesaid, shall continue in force for *One Year from the End of the present Session of Parliament.*

Episcopal and Capitular
Estates Continuance.

A

B I L L

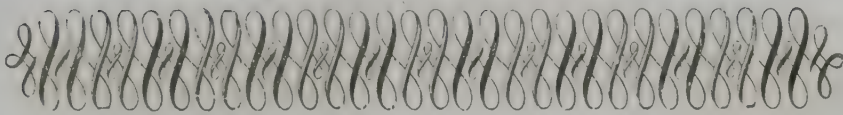
To continue the Act to facilitate the
Management and Improvement of
Episcopal and Capitular Estates in
England.

(Prepared and brought in by
Sir George Grey and Mr. Massey.)

Ordered, by The House of Commons, to be Printed,
9 July 1856.

[Bill 235.]

Under 1 oz.



A

B I L L

INTITULED

An Act to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals.

WHEREAS it is expedient that Facilities be afforded for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals :
Be it enacted by the Queen's most Excellent Majesty, by and with
5 the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. Where, upon an Application for this Purpose, it is made to appear to any Court or Judge having Authority under this Act that
10 any Court or Tribunal of competent Jurisdiction in a Foreign Country, before which any Civil or Commercial Matter is pending, is desirous of obtaining the Testimony in relation to such Matter of any Witness or Witnesses within the Jurisdiction of such first-mentioned Court, or of the Court to which such Judge belongs, or of such Judge, it shall
15 be lawful for such Court or Judge to order the Examination upon Oath, upon Interrogatories or otherwise, before any Person or Persons named in such Order, of such Witness or Witnesses accordingly ; and it
[Bill 249.] shall

Preamble.

Order for Examination of Witnesses in this Country in relation to any Civil or Commercial Matter pending before a Foreign Tribunal.

shall be lawful for the said Court or Judge, by the same Order, or for such Court or Judge or any other Judge having Authority under this Act, by any subsequent Order, to command the Attendance of any Person to be named in such Order, for the Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Order, and to give all such Directions as to the Time, Place, and Manner of such Examination, and all other Matters connected therewith, as may appear reasonable and just; and any such Order may be enforced in like Manner as an Order made by such Court or Judge in a Cause depending in such Court or before such Judge.

Certificate of
Ambassador
&c. sufficient
Evidence in
support of
Application.

II. A Certificate under the Hand of the Ambassador, Minister, or other Diplomatic Agent of any Foreign Power, received as such by Her Majesty, or in case there be no such Diplomatic Agent, then of the Consul General or Consul of any such Foreign Power at London, received and admitted as such by Her Majesty, that any Matter in relation to which an Application is made under this Act is a Civil or Commercial Matter pending before a Court or Tribunal in the Country of which he is the Diplomatic Agent or Consul having Jurisdiction in the Matter so pending, and that such Court or Tribunal is desirous of obtaining the Testimony of the Witness or Witnesses to whom the Application relates, shall be Evidence of the Matters so certified; but where no such Certificate is produced other Evidence to that Effect shall be admissible.

Examination
of Witnesses
to be taken
upon Oath.

III. It shall be lawful for every Person authorized to take the Examination of Witnesses by any Order made in pursuance of this Act to take all such Examinations upon the Oath of the Witnesses, or Affirmation in Cases where Affirmation is allowed by Law instead of Oath, to be administered by the Person so authorized; and if upon such Oath or Affirmation any Person making the same wilfully and corruptly give any false Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury.

Persons
giving false
Evidence
to be deemed
guilty of
Perjury.

Payment of
Expenses.

IV. Provided always, That every Person whose Attendance shall be so required shall be entitled to the like Conduct Money and Payment for Expenses and Loss of Time as upon Attendance at a Trial.

Savings for
Right of
Refusal to
answer Questions, and to
produce
Documents.

V. Provided also, That every Person examined under any Order made under this Act shall have the like Right to refuse to answer Questions tending to criminate himself, and other Questions, which a Witness in any Cause pending in the Court by which or by a Judge whereof or before the Judge by whom the Order for Examination

was

was made would be entitled to; and that no Person shall be compelled to produce under any such Order as aforesaid any Writing or other Document that he would not be compellable to produce at a Trial of such a Cause.

- 5 VI. Her Majesty's Superior Courts of Common Law at West-
minster and in Dublin respectively, the Court of Session in Scotland,
and any Supreme Court in any of Her Majesty's Colonies or Posses-
sions abroad, and any Judge of any such Court, and every Judge
in any such Colony or Possession who by any Order of Her Majesty
10 in Council may be appointed for this Purpose, shall respectively be
Courts and Judges having Authority under this Act.

Evidence in Foreign Suits.

A

BILL

INTITLED

An Act to provide for taking Evidence
in Her Majesty's Dominions in rela-
tion to Civil and Commercial Matters
pending before Foreign Tribunals.

(*Brought from the Lords 14 July 1856.*)

Ordered, by The House of Commons, to be Printed,
14 July 1856.

[Bill 249.]
Under 1 oz.

25 June 1856. 19 & 20 VICT.



A

B I L L

FOR

Raising a Sum of Money by Exchequer Bills and
Exchequer Bonds, for the Service of the Year
One thousand eight hundred and fifty-six.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Preamble.
Commons of the United Kingdom of Great Britain and
Ireland, in Parliament assembled, towards raising the
5 necessary Supplies which we have cheerfully granted to Your Majesty
in this Session of Parliament, have resolved to give and grant unto
Your Majesty the Sum herein-after mentioned; and do therefore most
humbly beseech Your Majesty that it may be enacted; and be it
enacted by the Queen's most Excellent Majesty, by and with the
10 Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Authority of
the same, as follows:

1. Towards making good the Supply granted to Her Majesty for Treasury
the Service of the Year One thousand eight hundred and fifty-six, it may raise
15 shall be lawful for the Commissioners of Her Majesty's Treasury 4,000,000*l.*
at any Time or Times, but not later than the Thirty-first Day of by Exche-
March, One thousand eight hundred and fifty-seven, to cause any quer Bills in
Number of Exchequer Bills to be made out at the Receipt of the like Manner
as is pre-
[Bill 199.] A Exchequer 48 G. 3. c. 1.,

4 & 5 W. 4.
c. 15., and
5 & 6 Vict.
c. 66.

Exchequer at Westminster for any Sum or Sums of Money not exceeding in the whole the Sum of *Four Millions*, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of King George the Third, Chapter One, and in an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of King William the Fourth, Chapter Fifteen, and in an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of Her Majesty, Chapter Sixty-six.

The Clauses,
&c. in re-
cited Acts
extended to
this Act.

II. All and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Bills how to
be charged
and paid.

III. The Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on
Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall respectively bear Date on such Days subsequent to the passing of this Act as the Commissioners of Her Majesty's Treasury may direct, and shall bear an Interest not exceeding the Rate of *Three-pence Halfpenny* per Centum per Diem in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of England standing to the Credit of the Exchequer.

Bills charged
on Supplies
to be current
in Payment
of Public
Revenue,
after Twelve
Calendar
Months from
their Dates.

V. All the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncanceled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in Great Britain of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of England to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

If full
Amount of
4,000,000l.
in Exchequer
Bills is
not issued,
Exchequer
Bonds may
be issued.

VI. The Commissioners of Her Majesty's Treasury may from Time to Time, but not later than the Thirty-first Day of March One thousand eight hundred and fifty-seven, cause any Number of Exchequer Bonds to be made out at the Receipt of the Exchequer at Westminster for such Sum or Sums of Money as they shall direct, but the Amount of such Exchequer Bonds, taken together with the Amount of Exchequer Bills issued from Time to Time under the Authority of this Act,

Act, shall not exceed in the whole the Sum of *Four Millions* authorized to be raised by Exchequer Bills, as herein-before mentioned; and such Bonds shall bear such Interest as shall be determined by the said Commissioners, not exceeding *Four Pounds* per Centum per
 5 Annum, and shall be paid off at Par at the Expiration of any Period or Periods not exceeding Six Years from the Date of such Bonds.

VII. The Interest on such Bonds shall be paid half-yearly on such Days as shall be appointed by the said Commissioners, and shall be charged upon and issued out of the Consolidated Fund of the United
 10 Kingdom, or out of the growing Produce thereof; and the Principal Monies secured by such Bonds shall be repaid out of such Monies as shall be provided by Parliament in that Behalf.

Interest on Bonds, and Repayment of Principal Money.

VIII. The Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, cause or direct the
 15 Exchequer Bonds to be issued under the Authority of this Act to be prepared for such Principal Sums, not less in any Case than One hundred Pounds, together with Receipts or Certificates specifying the Interest from Time to Time accruing thereon, to be made out in such Manner and Form and bearing such Date as shall be fixed by
 20 the said Commissioners; and such Exchequer Bonds and the Interest accruing thereon respectively shall be transferable by the Delivery of such Bonds and of the Receipts or Certificates for such Interest thereon respectively; and the said Commissioners may from Time to Time, subject to the Provisions herein contained, prescribe and
 25 regulate how and by what Officer or Officers such Exchequer Bonds shall be signed or otherwise authenticated, and provide for the Manner of Payment of the Interest accruing thereon, and also for the Issue of new Bonds in lieu of any such Bonds worn or defaced which may be delivered up to be cancelled, and for the Issue of new Bonds
 30 in lieu of such Exchequer Bonds as may be lost, at such Times, upon such Securities, and under such Conditions and Precautions as they may think fit, and generally make such Regulations for the Safety and Convenience of the Holders of such Bonds, and the Payment of Interest upon the Production or Delivery of such
 35 Receipts or Certificates, or otherwise, as they may think fit; and the said Commissioners may, by such Regulations as aforesaid, provide, if they shall see fit, for the Registration of any such Bonds as may be delivered up by the Holders thereof for that Purpose, and for the Delivery of Certificates of such Registration in
 40 lieu thereof, which shall be transferable by Entries in a Register which may be provided for that Purpose in such Manner and subject to such Conditions and Restrictions as the said Commissioners may see fit, and every such Warrant shall from Time to Time be published in the London Gazette.

Treasury may cause Exchequer Bonds to be prepared and issued.

45 IX. The several Sections Sixteen, Seventeen, Eighteen, and Nineteen of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Twenty-three, shall apply
 [199.] A 2

Application of Clauses 16, 17, 18, and 19 of 17 & 18 Vict. c. 23.

and be construed to and in relation to the Exchequer Bonds to be prepared under the Authority of this Act, in like Manner as if such several Sections had been repeated and re-enacted in this Act.

Money
raised to be
paid to the
Consolidated
Fund.

X. All such Sums of Money as shall be raised by Exchequer Bills or Exchequer Bonds to be made out in pursuance of this Act shall be paid to the Account of Her Majesty's Exchequer at the Bank of England, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom. 5

Exchequer
Bills and
Bonds may
be delivered
to Persons
authorized
by the
Treasury.

XI. The Commissioners of Her Majesty's Treasury may direct the Comptroller General of the Exchequer from Time to Time to deliver such Amount of Exchequer Bills or Exchequer Bonds, made out in pursuance of this Act, as the said Commissioners shall from Time to Time think fit, not exceeding in the whole the Sum of *Four Millions*, to such Person or Officer as may be named in any Warrant to be issued by the said Commissioners for such Purpose, and such Person or Officer shall thereafter become chargeable and be charged with such Amount of Exchequer Bills and Exchequer Bonds as may be delivered to him, subject to such Directions as may be issued to him by the said Commissioners for the Sale thereof, and such Person or Officer shall be discharged from all Account in respect of such Exchequer Bills and Exchequer Bonds, on proving, to the Satisfaction of the Commissioners for auditing the Public Accounts, that he has duly obeyed the Directions of the said Commissioners of Her Majesty's Treasury: Provided always, that the said Commissioners shall not be authorized to direct the Issue of such Exchequer Bills and Exchequer Bonds to such Person or Officer, except for the Purpose of raising Money to be paid to the Account of Her Majesty's Exchequer at the Bank of England as aforesaid. 15 20 25

Bank of
England may
advance
4,000,000*l.*
on the Credit
of Bonds and
Bills, and
Commission-
ers of Na-
tional Debt
may invest
Money on
account of
Savings
Banks in
Purchase of
Bonds.

XII. It shall be lawful for the Governor and Company of the Bank of England to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills and Exchequer Bonds to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of *Four Millions* (anything in an Act passed in the Fifth and Sixth Years of the Reign of King William and Queen Mary, Chapter Twenty, or in any subsequent Act to the contrary thereof in anywise notwithstanding); and also for the Commissioners for the Reduction of the National Debt to invest in the Purchase of Exchequer Bonds issued under the Authority of this Act any Money in their Hands on account of Savings Banks. 30 35

Exchequer Bills
(£4,000,000).

A

B I L L

For raising a Sum of Money by Exchequer Bills and Exchequer Bonds, for the Service of the Year One thousand eight hundred and fifty-six.

[Prepared and brought in by
(Mr. FitzRoy, the Chancellor of the Exchequer,
and Mr. Wilson.)

*Ordered, by The House of Commons, to be Printed,
25 June 1856.*

[Bill 199.]
Under 1 oz.

Exchequer Bills Funding Bill.

ARRANGEMENT OF CLAUSES.

- Terms for funding 111*l.* 2*s.* 2*d.* Three per Cent. Consols for 100*l.*
Exchequer Bills ; Sect. 1.
- Future Instalments ; 2.
- Interest on Exchequer Bills ; 3.
- Subscribers may pay Money instead of Exchequer Bills, paying 5*s.*
per Cent. on the Money paid ; 4.
- Guardians, &c. may subscribe Bills ; 5.
- Dividends on Stock when to be paid ; 6.
- Stock to be placed to Credit of Subscribers in Books at Bank of
England ; 7.
- Subscribers may anticipate Deposits or Payments ; 8.
- Annuities charged on Consolidated Fund ; 9.
- Payment of Dividends ; 10.
- Receipts to be assignable ; 11.
- Subscribers Names to be entered in a Book at Bank of England ; 12.
- Subscribers not paying up Sums subscribed, their Deposits to be
forfeited ; 13.
- Annuities to be deemed Personal Estate ; 14.
- Books for Transfers. Transfers not liable to Stamp Duty ; 15.
- Bills to be cancelled ; 16.
- Cashier of Bank to pay Moneys into Exchequer ; 17.
- Bank to certify Amount of Bills funded and of Stock created ; 18.
- Payment for incident Charges and to Bank for Services performed ;
19.
- Appropriation of Money Payments ; 20.
- Three per Cent. Annuities shall be added to the Joint Stock of the
Three per Cent. Consols ; 21.
- Punishment for Forgery of Receipts, &c. ; 22.
- Bank to continue a Corporation ; 23.
- No Fee for Payments ; 24.
- General Issue ; 25.



A

B I L L

FOR

Funding Exchequer Bills and raising Money by way of Annuities.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, being desirous of making
5 Provision to satisfy the Principal Sums contained in certain Exchequer Bills, to the Amount of *Three Millions*, and to raise the necessary Supplies which we have cheerfully granted to Your Majesty, have resolved that the Persons who had engaged to subscribe towards funding the Sum of *Three Millions* in Exchequer Bills should be
10 entitled, in respect of the Principal Sums contained therein, to such Capital Stock in Annuities as is herein-after mentioned, subject to the Provisions of this Act: We, Your Majesty's most faithful Commons, do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty,
15 by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The several Persons, their Executors, Administrators, and Assigns, who have subscribed, in Books opened at the Bank of England
20 for that Purpose, towards funding the Sum of *Three Millions* in Exchequer Bills charged on Aids or Supplies dated in December One thousand eight hundred and fifty-four, March, June, and August,
[Bill 57.] A 2 One

Terms for funding; 111*l.* 2*s.* 2*d.* Three per Cent. Consols for 100*l.* Exchequer Bills.

One thousand eight hundred and fifty-five, and who have deposited at the said Bank Ten Pounds per Centum on the Twenty-sixth Day of February One thousand eight hundred and fifty-six, as a First Instalment on the Amount of the Exchequer Bills which they have subscribed, or have paid on that Day to the Cashier or Cashiers of 5 the said Bank such Money in lieu thereof as herein-after mentioned, shall, upon the Completion of the Amount subscribed by them in manner and at the Times required by this Act, be entitled, for every *One hundred Pounds* Principal Money contained in the Exchequer Bills so subscribed, to the Principal Sum of *One hundred and eleven 10 Pounds Two Shillings and Twopence* Consolidated Annuities, at the Rate of *Three Pounds* per Centum per Annum, to commence and be payable as herein-after mentioned.

Future Instalments.

II. The said several Subscribers for completing the Amount subscribed by them respectively shall deposit the future Instalments of 15 Exchequer Bills with the Governor and Company of the Bank of England on or before the Days and Times herein-after mentioned; (that is to say,) Ten Pounds per Centum on or before the Third Day of March One thousand eight hundred and fifty-six; Twenty Pounds per Centum on or before the Thirteenth Day of March One 20 thousand eight hundred and fifty-six; Thirty Pounds per Centum on or before the Twenty-ninth Day of March One thousand eight hundred and fifty-six; Twenty Pounds per Centum on or before the Tenth Day of April One thousand eight hundred and fifty-six; and the remaining Ten Pounds per Centum on or before the Twenty- 25 fourth Day of April One thousand eight hundred and fifty-six: Provided always, that any Exchequer Bills charged on Aids and Supplies which may be current at the respective Times appointed for the Payment of the several Instalments herein-before mentioned, except those Exchequer Bills on which the Interest shall have previously 30 ceased, may be deposited for such respective Instalments under this Act.

Interest on Exchequer Bills.

III. The several Subscribers shall be entitled to receive such Interest as herein-after mentioned, at the Office of the Paymaster General, upon all Exchequer Bills deposited by them respectively at 35 the Bank of England, in pursuance of this Act; (that is to say,) upon the Amount of the Exchequer Bills deposited for the First Instalment, Interest from the Day of the Date of such Bills so deposited up to the Twenty-sixth Day of February One thousand eight hundred and fifty-six; and upon the Amount of the Exchequer Bills deposited for the 40 second and every subsequent Instalment, according to the Directions of this Act, Interest from the Day of the Date of such Bills so deposited up to the several Days upon which the same shall be so deposited.

IV. Pro-

IV. Provided always, That it shall be lawful for any Subscriber to the said Sum of *Three Millions*, instead of depositing Exchequer Bills at the Bank of England in manner aforesaid, to pay to the Cashier or Cashiers of the Governor and Company of the Bank of England (who is and
5 are hereby appointed Receiver or Receivers thereof, without any other Warrant to be made in that Behalf) any Sum or Sums of Money in lieu of such Exchequer Bills, upon paying an Addition of *Five Shillings* per Centum upon the Amount which such Subscriber may so pay in Money; and every Subscriber who has so paid or shall hereafter
10 pay Money instead of Exchequer Bills shall for every *One hundred Pounds Five Shillings* Principal Money so paid be entitled to the Sum of *One hundred and eleven Pounds Two Shillings and Twopence* Consolidated Annuities, at the Rate of *Three Pounds* per Centum per Annum, to commence and be payable as herein-after mentioned.

Subscribers may pay Money instead of Exchequer Bills, paying 5s. per Cent. on the Money paid.

V. It shall be lawful for any Guardian or Trustee having the Disposition of the Exchequer Bills or Money of any Infant to subscribe and contribute towards the funding of Exchequer Bills under the Provisions of this Act; and such Infant, upon the Deposit or Payment of the Amount subscribed by such Guardian or Trustee, shall become a
20 Subscriber within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Subscriber; and such Guardian and Trustee, as to the Sum or Sums so advanced, is hereby discharged, so as the Name of such Infant be expressed in the Receipt
25 or Receipts for such Exchequer Bills or Money.

Guardians, &c. may subscribe Bills.

VI. The several Subscribers, their Executors, Administrators, Successors, and Assigns, who shall have deposited or shall deposit any such Exchequer Bill or Bills as aforesaid, or shall have paid or shall pay Money in lieu of such Exchequer Bills, shall, for every
30 Sum of One hundred Pounds contained in such Exchequer Bills, or for every One hundred Pounds Five Shillings paid in Money, and so in proportion for any greater Sum, have and be entitled to the Capital Stock in Annuities herein-before mentioned, such Annuities to commence from the Fifth Day of January One thousand eight
35 hundred and fifty-six, and to be payable half-yearly, by equal Portions, on the Fifth Day of July and the Fifth Day of January in every Year, the first Payment to become due on the Fifth Day of July One thousand eight hundred and fifty-six.

Dividends on Stock when to be paid.

VII. As soon as any Subscribers, their Executors, Administrators, Successors, or Assigns, after Deposit of the First Instalment of Ten
40 Pounds per Centum in Exchequer Bills, or Payment of Money in lieu thereof, shall have deposited any subsequent Instalment in respect
[57.] A 3 of Stock to be placed to Credit of Subscribers in Books at Bank of England.

of the Amounts subscribed by them respectively in Exchequer Bills, or shall have paid Money in lieu thereof, on the Days specified in this Act, they may have a proportional Amount of Stock in Consolidated Three Pounds per Centum Annuities, in respect of such subsequent Instalment, forthwith placed in the Books of the Bank of England to the Credit of such respective Subscribers, their Executors, Administrators, Successors, and Assigns; and on Completion of the last Instalment such Subscribers, their Executors, Administrators, Successors, and Assigns, shall have a proportional Amount of like Stock placed to their respective Credits, corresponding, at the Rate aforesaid, to the aggregate Amount of the First Instalment and of such last Instalment; and the respective Subscribers to whose Credit such Consolidated Annuities or such proportional Parts thereof shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall and may have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate, whatsoever, in the Books of the Bank of England; and the said Governor and Company of the Bank of England are hereby required, as soon as conveniently may be after the passing of this Act, to prepare proper Books for the Purpose of entering the Names of all such Subscribers, and of placing to their Credits the Principal Sums so deposited in Exchequer Bills or paid in Money by them respectively; and such Stock shall carry the Annuities after the Rate of *Three Pounds* per Centum per Annum, to be payable under this Act, until Redemption thereof in such Manner as is herein-after mentioned, and shall be transferable as this Act directs, and not otherwise.

Subscribers may anticipate Deposits or Payments.

VIII. All such Subscribers, their Executors, Administrators, Successors, or Assigns, who shall deposit at the said Bank the whole Amount subscribed by them respectively in Exchequer Bills or any Part thereof, or pay into the Hands of the said Cashier or Cashiers Money in lieu thereof, in anticipation of the said Instalments or any of them, shall be entitled to have forthwith inscribed into their respective Names the whole or such proportional Amount of the said *Three Pounds* per Centum Annuities; but Interest shall only be payable on the Exchequer Bills so deposited in anticipation of any of the said Instalments from the Day of the Date of such Bills up to the Day of the actual Deposit thereof, and Discount shall not be allowed on any such Payment of Money in anticipation of any of the said Instalments.

Annuities charged on Consolidated Fund.

IX. All the Annuities which shall become payable under this Act are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and

so much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer out of the said Consolidated Fund, to the Cashier or Cashiers of the Governor and Company of the Bank of England, as shall be sufficient to satisfy and pay the
 5 Dividends on the Annuities to be created under this Act, with the Charges attending the same.

X. For the more easy and sure Payment of the Annuities established by this Act, the Governor and Company of the Bank of England, and their Successors, shall from Time to Time, until all the
 10 said Annuities shall be redeemed or shall cease, appoint and employ One or more sufficient Person or Persons within their Office in the City of London to be their Chief or First Cashier or Cashiers, and One other sufficient Person within the same Office to be their Accountant General; and so much of the Monies by this Act appro-
 15 priated for the Purpose as shall be sufficient from Time to Time to answer the said Dividends and other Payments herein directed to be made out of the said Consolidated Fund shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time,
 20 at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid, at the Receipt of the Exchequer, to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of England, and their Successors for the Time being, by way of Imprest and upon Account, for the Payment of the
 25 Dividends payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the public Accounts; and the said Accountant General for the Time
 30 being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

XI. The Cashier or Cashiers of the Governor and Company of the Bank of England, who shall have received or shall receive any Part
 35 of the said Subscription towards the said Sum of Three Millions, shall give a Receipt or Receipts in Writing to every such Subscriber for the Principal Money comprised in the Exchequer Bills deposited, or for the Sum of Money paid in lieu thereof, and the Receipt so to be given shall be assignable at any Time before the Twenty-
 40 fourth Day of April One thousand eight hundred and fifty-six, and no longer, and such Cashier or Cashiers shall from Time to Time deliver to the Paymaster General all the Exchequer Bills which shall

Payment of
Dividends.

Receipts to
be assign-
able.

be so deposited as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the furthest.

Subscribers
Names to be
entered in a
Book at Bank
of England.

XII. In the Office of the Accountant General of the Governor and Company of the Bank of England for the Time being a Book or Books shall be provided and kept, in which the Names of the Subscribers shall be fairly entered, which Book or Books the said respective Subscribers, their respective Executors, Administrators, Successors, or Assigns, shall and may from Time to Time and at all seasonable Times resort to and inspect, without any Fee or Charge; and the said Accountant General shall, on or before the Fifth Day of 10 January One thousand eight hundred and fifty-seven, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer at Westminster, there to remain for ever.

Subscribers
not paying
up Sums
subscribed,
their De-
posits to be
forfeited.

XIII. In case any such Subscribers who have already deposited or 15 paid with or to, or shall hereafter deposit or pay with or to, the said Cashier or Cashiers any Exchequer Bills, or any Sum of Money in lieu thereof, at the Time and in manner herein-before mentioned, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance 20 and deposit and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed, at the Times and in the Manner herein-before mentioned, then and in every such Case the said Deposit or First Instalment of Ten Pounds per Centum shall be forfeited for the Benefit of the Public, and all Right and Title to such Deposit or 25 First Instalment, or the said Consolidated Three Pounds per Centum Annuities in respect thereof, shall be extinguished, anything in this Act contained to the contrary thereof in anywise notwithstanding.

Annuities to
be deemed
Personal
Estate.

XIV. All Persons and Corporations who shall be entitled to any of the Annuities created by virtue of this Act, and all Persons and 30 Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of London, or otherwise; any Law, Statute, or Custom to the contrary notwithstanding. 35

Books for
Transfers.

XV. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Sums of Stock in the Consolidated Three Pounds per Centum Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be 40 signed by the Parties making such Assignments or Transfers, or, if such

such Parties be absent, by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal, or Hands and Seals, to be attested by Two or more credible Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof; and no other Method of assigning and transferring the said Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers; any Law or Statute to the contrary notwithstanding.

Transfers
not liable to
Stamp Duty.

XVI. All the Exchequer Bills so deposited or to be deposited according to the Directions of this Act with the Governor and Company of the Bank of England shall be from Time to Time transmitted by the said Governor and Company, and delivered over to the Paymaster General to be cancelled, and the Receipt for such Exchequer Bills, signed by the said Paymaster General, shall be a sufficient Acquittance to the said Cashier or Cashiers in accounting for the Exchequer Bills to be received by them in pursuance of this Act; and the said Paymaster General is hereby authorized and required, upon Receipt of any such Bill, to mark and cancel the same, and to pay the Interest thereupon according to the Provisions of this Act.

Bills to be
cancelled.

XVII. The Cashier or Cashiers of the Governor and Company of the Bank of England shall from Time to Time, as the same may be received, duly account for, and pay over to the Receipt of Her Majesty's Exchequer, all the Moneys which he shall have already received or shall hereafter receive in pursuance of this Act, within Five Days at the farthest after he shall have received the same, and shall account for the same in the Exchequer, according to the due Course thereof.

Cashier of
Bank to pay
Moneys into
Exchequer.

XVIII. The Accountant General of the Governor and Company of the Bank of England shall certify to the Commissioners for the Reduction of the National Debt the Amount of all Exchequer Bills subscribed to be funded, and all Sums of Money subscribed to be paid, under the Provisions of this Act, and also the Amount of the Consolidated *Three Pounds* per Centum Annuities which shall be created by virtue of this Act.

Bank to cer-
tify Amount
of Bills
funded and
of Stock
created.

XIX. The Commissioners of Her Majesty's Treasury shall have Power, out of the said Consolidated Fund, to discharge all such incident Charges as shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable, and also to make Payment of an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and

Payment for
incident
Charges and
to Bank for
Services per-
formed.

accounting for the said Annuities, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trusts reposed in him by this Act, which Allowance in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company shall be 5 for the Use of the said Governor and Company, and at their Disposal only.

Appropriation of Money Payments.

XX. It shall be lawful for the Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as may be so paid into the Receipt of Her Majesty's Exchequer 10 by the said Cashier or Cashiers of the Governor and Company of the Bank of England as aforesaid, in the Redemption of the Principal of Exchequer Bills charged on Aids or Supplies, and such Exchequer Bills so redeemed shall be delivered over to the Paymaster General to be cancelled; and also to apply such Moneys to such Services as have been 15 or shall be voted by the Commons of the United Kingdom of Great Britain and Ireland, or to such Services as are now charged on the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or shall be charged thereon by any Act that may be passed hereafter. 20

Three per Cent. Annuities shall be added to the Joint Stock of the Three per Cent. Consols.

XXI. All the Annuities after the Rate of *Three Pounds* per Centum per Annum to which any Person or Persons shall become entitled by virtue of this Act shall be added to the Joint Stock of Annuities transferable at the Bank of England into which the several Sums carrying an Interest after the Rate of *Three Pounds* per Centum per 25 Annum were by several Acts made in the Twenty-fifth, Twenty-eighth, Twenty-ninth, Thirty-second, and Thirty-third Years of the Reign of King George the Second, and by several subsequent Acts, consolidated, and shall be deemed Part of the said Joint Stock of Annuities; subject nevertheless to Redemption by Parliament in such 30 Manner and upon such Notice as in the said Act made in the Twenty-fifth Year of the said Reign is directed in respect of the several and respective Annuities redeemable by virtue of the said Act; and all and every Person and Persons and Corporation whatsoever, in proportion to the Money to which he, she, or they 35 shall become entitled as aforesaid by virtue of this Act, shall have and be deemed to have a proportional Interest and Share in the said Joint Stock of Annuities, at the Rates aforesaid.

Punishment for Forgery of Receipts, &c.

XXII. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist 40 in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Subscription towards the said Sum

Sum of *Three Millions*, either with or without the Name or Names of any Person or Persons being inserted therein as the Subscriber or Subscribers thereto, or Payer or Payers thereof, or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter
5 or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of England, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or
10 counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall, at the Discretion of the Court, be liable to be transported beyond the Seas for *Life* or for any Term not less than *Fourteen*
15 Years, or to be kept in Penal Servitude for *Life* or any Term not less than *Four* Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding *Four* Years nor less than *Two* Years.

XXIII. The said Governor and Company of the Bank of England, and their Successors, notwithstanding the Redemption of all
20 or any of their own Funds, in pursuance of the Acts for establishing the same, or any of them, shall continue a Corporation for the Purposes of this Act until the Annuities by this Act granted shall be redeemed by Parliament as aforesaid; and the said Governor and Company of the Bank of England, or any Member thereof, shall not incur any
25 Disability for or by reason of their doing any Matter or Thing in pursuance of this Act.

Bank to continue a Corporation.

XXIV. No Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving or paying the said Subscription in Exchequer Bills or any of them, or
30 for any Receipt concerning the same, or for paying the said Annuities or any of them, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum of *Twenty*
35 Pounds to the Party aggrieved, with full Costs of Suit, to be recovered in any of Her Majesty's Courts of Law at Westminster.

No Fee for Payments.

XXV. If any Person or Persons shall be sued, molested, or prosecuted for anything done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and
40 give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall discon-

General Issue.

tinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them against any such Plaintiff or Plaintiffs.

Exchequer Bills Funding.

A

B I L L

For funding Exchequer Bills and raising
Money by way of Annuities.

(Prepared and brought in by
Mr. FitzRoy, the Chancellor of the Exchequer,
and Mr. Wilson.)

Ordered, by The House of Commons, to be Printed,
26 February 1856.

[Bill 57.]

Under 2 oz.



A

B I L L

TO

Grant Allowances of Excise Duty on Malt in Stock ,
to alter and regulate certain Drawbacks and
Allowances in respect of Malt Duty ; to repeal
and re-impose the Excise Duty on Sugar used in
brewing Beer ; and to amend the Law relating
to Malt Roasters.

WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Twenty-seven, certain Duties of Excise on Malt, and certain Allowances and Drawbacks of Excise for or in respect of Malt used
5 in the distilling of Spirits and brewing of Beer respectively, were granted and made payable respectively in lieu of all other Duties, Allowances, and Drawbacks of Excise on Malt payable under any Act or Acts in force, to continue and be charged and paid during the then present War, and until and upon the Fifth Day of July next
10 after the Ratification of a Definitive Treaty of Peace, and no longer, in lieu of all other Duties, Allowances, and Drawbacks of Excise on Malt payable under any Act or Acts then in force ; and it was by the said Act provided, that upon the ceasing of the said Duties on the Event and at the Time aforesaid the Duties of Excise on Malt, and
[Bill 157.] A the

Preamble.
17 & 18
Vict. c. 27.

the several Allowances and Drawbacks of Excise for or in respect of Malt used in the distilling of Spirits and brewing of Beer respectively, granted or payable respectively under the several Acts in force in that Behalf immediately before the passing of the said Act, should revive, and be charged and allowed respectively in lieu of the Duties, 5 Allowances, and Drawbacks by the said recited Act granted upon or in respect of Malt: And whereas a Definitive Treaty of Peace has been recently signed and ratified, and by reason thereof the said Duties granted by the said recited Act on Malt will cease immediately after the Fifth Day of July One thousand eight hundred and 10 fifty-six; and it is expedient to grant an Allowance on the Stock of Malt which will then be in the Possession of the Malt Traders herein-after mentioned in respect of the Duties paid or charged thereon under the said recited Act in Excess of the Duties which will be payable on 15 Malt after the said Fifth Day of July One thousand eight hundred and fifty-six; and it is also expedient to alter and regulate the Allowances and Drawbacks of Excise on Malt which will revive and become payable after the said last-mentioned Day: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this 20 present Parliament assembled, and by the Authority of the same, as follows:

Interpreta-
tion Clause.

I. The Term "Malt Trader" used in this Act shall be deemed to mean and include every Maltster or Maker of Malt for Sale, and every Dealer in or Seller or Retailer of Malt, and every Roaster of Malt, 25 licensed Brewer, and Vinegar Maker.

Allowances
granted to
Malt Traders
on Malt in
Stock.

II. There shall be paid or allowed to every Malt Trader for all dry unground Malt produced to and taken account of by the proper Officer of Excise, and the Quantity thereof ascertained in manner herein-after mentioned, between the Third and Fifth Days of July 30 One thousand eight hundred and fifty-six, both Days inclusive, as the Stock and in the Custody and Possession of such Malt Trader, and for which the Duties under the said recited Act shall have been paid or charged, the several Allowances and Sums of Money following; (that is to say,) 35

For every Bushel of such Malt made in England from Barley or any other Corn or Grain, *One Shilling and Threepence Halfpenny*:

For every Bushel of such Malt made in Scotland or Ireland from Barley or any other Corn or Grain, except Bear or Bigg, *One Shilling and Threepence Halfpenny*: 40

And for every Bushel of such Malt made in Scotland or Ireland from Bear or Bigg only, without any Mixture of Barley or any other Corn or Grain, therewith, *One Shilling*.

III. Pro-

III. Provided always, That from the Quantity ascertained by Gauge or Measurement of all Brown or Porter Malt and roasted or Black Malt there shall be deducted *Twenty* per Cent. for the Swell and Increase thereof over the Quantity of such Malt charged with Duty, and the said Allowance by this Act granted shall be computed and paid or allowed only on the remaining Quantity of such Malt after making such Deduction as aforesaid.

Deduction to be made from Brown or Black Malt for the Swell thereof.

IV. All Malt in respect of which any such Allowance as aforesaid shall be claimed shall be previously completely dried, screened, cleaned, and finished, and every Malt Trader who shall claim to be entitled to any such Allowance shall give Notice in Writing to the proper Officer of Excise Two Days previously to the Third Day of July One thousand eight hundred and fifty-six of his Name and Place of Abode, and the Description of Business carried on by him as a Malt Trader, and also of the particular House or Place where any such Malt in respect of which he intends to claim any such Allowance shall be kept or deposited; and he shall also before the said Third Day of July One thousand eight hundred and fifty-six place all such Malt in such Form as shall enable the Officer of Excise conveniently to gauge the same and ascertain the Quantity thereof; but in case any Corn or Grain which shall be in operation for the making thereof into Malt at any Time between the said Third and Fifth Days of July One thousand eight hundred and fifty-six inclusively shall be actually made into Malt, dried, screened, cleaned, and finished before the Time when the Officer of Excise shall first take an Account of the dry unground Malt in the Stock of such Malt Trader, then and in such Case such Malt Trader shall be entitled to claim such Allowance as aforesaid in respect of such Malt upon giving previous Notice in Writing to the proper Officer of Excise by the Space of *Twelve* Hours of his Intention to make such Claim, specifying the Quantity of such Malt, and the Place where the same shall be deposited, and such Malt Trader shall place and keep all such Malt separate and apart from all other Malt, and in such Form as shall enable the Officer conveniently to gauge the same and take an Account thereof; and if any Malt Trader shall neglect or fail in any respect to comply with the Regulations or Directions in this Act contained or authorized to be made or given, or shall do anything contrary thereto, he shall not have or be entitled to any Allowance in respect of any Malt in his Stock, Custody, or Possession: Provided always, that if from any inevitable Accident or unforeseen Circumstance any Malt Trader shall be prevented from receiving into his Stock before the said Third Day of July One thousand eight hundred and fifty-six, and in Time to enable him to comply with the Regulations herein-before contained, any Malt which shall have been

Regulations to be observed by Malt Trader on claiming Allowance.

delivered to any Common Carrier to be conveyed to such Malt Trader for the Space of *Seven Days* previously to the said last-mentioned Day, it shall be lawful for the Commissioners of Inland Revenue, upon Proof of the Facts to their Satisfaction, and upon being satisfied that no Fraud has been committed or intended with 5 regard to such Malt, to grant to such Malt Trader the proper Allowance in respect thereof, under and subject to such Regulations and Directions as they shall think proper to make or give in that Behalf.

Position of
Malt not to
be altered or
removed
until an
Account be
taken of the
Quantity.

V. After any Malt in respect of which any such Allowance may be claimed shall have been placed in such Form as is directed by this 10 Act, no Malt Trader shall on any Pretence whatever alter the Position thereof, or remove or send away such Malt or any Part thereof from the House or Place in which the same shall have been gauged until after the Fifth Day of July One thousand eight hundred and fifty-six, and after the Officer shall have gauged or measured the same and 15 taken his Account thereof, upon pain of forfeiting the Sum of *Two hundred Pounds* for any Breach of the Prohibition in this Clause contained.

Brewer may
make use of
Malt on giv-
ing Notice
and the
Officer
taking an
Account
thereof.

VI. Provided always, That if any licensed Brewer shall be desirous of making use of any such Malt after the same shall have been placed 20 in such Form as aforesaid, and shall give to the proper Officer of Excise previous Notice in Writing by the Space of *Twenty-four* Hours of his Intention to make use of any such Malt, so that the Officer may attend and take an Account thereof, specifying in such Notice the Quantity so intended to be used, such licensed Brewer 25 shall be at liberty to make use of such Quantity of his Malt in respect of which he shall claim any such Allowance without being liable to any Penalty or Forfeiture in that respect, so as the Residue of such Malt shall be left unaltered and in such Form and Position as to enable the Officer to gauge the same and ascertain the Quantity 30 thereof in the Manner herein-before directed.

Officer may
enter Pre-
mises to
examine and
take Account
of Malt on
which Al-
lowance is
claimed.

VII. It shall be lawful for any and every Officer of Excise at his free Will and Pleasure at any Time or Times in the Daytime, between the Third and Fifth Days of July One thousand eight hundred and fifty-six inclusively, or at any Time during the Space of *Three Days* 35 after the Officer shall have first gauged and taken his Account of any such Malt, to enter and go into every House or other Place where any such Malt in respect of which any such Allowance shall be claimed shall be put or deposited, and to inspect and examine such Malt, and take a true and particular Account, and ascertain the exact Quantity 40 thereof by Gauge or Measurement; and if any Person shall prevent, obstruct, or hinder any Officer of Excise from entering or going into any

Penalty for
obstructing
Officer or for

any such House or other Place, or from inspecting or examining such Malt, or taking such Account, or ascertaining the Quantity thereof as aforesaid, or in the Execution of any of the Powers or Authorities to such Officer given by or under this Act, or if any Person shall mix or
 5 lay under, with, or amongst any such Malt any Barley, or undried, unscreened, or uncleaned Malt, or any unmalted Corn or Grain or other Thing, with Intent to increase the Quantity or apparent Quantity of such dried unground Malt, or if any Person shall bring or receive into, or put or place with his Stock, any Malt which has been before
 10 taken an Account of under this Act, or any Malt of or belonging to any Person not being a Malt Trader within the Meaning of this Act, or if any Person shall make use of or practise, or cause to be made use of or practised, any Art, Contrivance, or Device whatever whereby any Officer of Excise may be obstructed in gauging, taking an
 15 Account of, or ascertaining the true Quantity of such dried unground Malt, or whereby Her Majesty may be defrauded, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit the Sum of *Two hundred Pounds*; and all Malt which shall be found by any Officer of Excise so mixed as aforesaid, or under, with,
 20 or amongst which any Barley, or undried, unscreened, or uncleaned Malt, or unmalted Corn or Grain or other Thing, is found to be laid or placed, with Intent to increase the Quantity or apparent Quantity of Malt dried and unground, or by which Her Majesty may be defrauded, and all Malt which shall be brought or received by any
 25 Malt Trader into or put or placed with his Stock, such Malt having been before taken an Account of under this Act, or not belonging to some Malt Trader, shall be forfeited, and may be seized by any Officer of Excise.

Fraud with regard to Malt on which Allowance is claimed.

Forfeiture of Malt fraudulently mixed.

VIII. Every Malt Trader who shall claim any Allowance under
 30 this Act in respect of Malt in his Stock, Custody, or Possession shall with his Servants and Workmen, whenever thereto required by any Officer of Excise, aid and assist such Officer in such Manner as he shall require for the better enabling him to examine, gauge, or measure, and take an Account of all or any such Malt, upon pain of
 35 forfeiting the Sum of *Two hundred Pounds* for any Neglect or Refusal to aid and assist such Officer in manner aforesaid.

Malt Trader to assist Excise Officer to enable him to examine and take Account of Malt on which Allowance is claimed.

IX. When and so soon as such Account shall have been finally taken of the Malt belonging to any Malt Trader, and the Quantity thereof ascertained as aforesaid, the proper Officer of Excise in that
 40 Behalf shall with all convenient Speed give to the Malt Trader entitled to the Allowance in respect of such Malt, a Certificate expressing the true Quantity of the Malt for which he shall be entitled to such Allowance, and the Amount of such Allowance, and specifying

Certificate of the Quantity of Malt, and Amount of Allowance to be given to the Malt Trader.

the Name and Place of Abode of the Person entitled thereto, and the Description of Business carried on by him as such Malt Trader.

On Production of Certificate to the proper Collector, and Declaration made as to certain Particulars, the Sum specified in the Certificate to be paid in manner herein mentioned.

X. On the Production of such Certificate by such Malt Trader or his Agent to the Collector of Excise of the Collection in which the same was granted, and on a solemn Declaration being made by such Malt Trader before a Justice of the Peace or such Collector that such Malt Trader believes that all the proper Duties of Excise have been paid or charged for or in respect of the whole Quantity of the Malt specified in such Certificate, and that the said Malt, or any Part thereof, hath not been taken account of for the Purpose of obtaining such Allowance more than once, or in any Place save and except in the Stock, Custody, or Possession of the Person making the said Declaration, and claiming the Allowance in respect of such Malt, and that the whole Quantity of the said Malt of the respective Kinds mentioned in such Certificate was at the Time therein specified in his Custody and Possession, and was the sole Property of the said Person; or was held by him as the Property of and for the Use of some other Malt Trader, and that the said Certificate is true to the best of his Knowledge and Belief, and that no false Statement, Art, or Contrivance was used to deceive the Officer taking an Account of such Malt or any Part thereof, or to render the Account or Amount thereof expressed in such Certificate untrue, such Collector as aforesaid being satisfied of the Truth of such Declaration shall, out of the Money in his Hands on account of any of the Duties of Excise, pay to the Malt Trader entitled to the same, or to his Agent, the Sum of Money specified in such Certificate, by Four equal Instalments, on the usual sitting Days, commencing on the Twenty-fifth Day of August, the Thirteenth Day of October, and the Twenty-fourth Day of November in the Year One thousand eight hundred and fifty-six, and the Twelfth Day of January One thousand eight hundred and fifty-seven: Provided always, that the Sum of Money specified in such Certificate as aforesaid may be deducted by such Instalments as aforesaid from any Duties of Excise which may be due and payable by the Malt Trader entitled to the said Sum of Money at the several Times herein-before appointed for Payment of the said Instalments.

Penalty for forging Certificate or uttering a forged or false Certificate.

XI. If any Person shall forge or counterfeit or cause to be forged or counterfeited any Certificate by this Act required or directed, or shall knowingly or willingly give any false or untrue Certificate, or shall alter or erase or cause to be altered or erased any such Certificate granted by any Officer of Excise, or shall make use of or in any Manner alter any such Certificate knowing the same to be forged, counterfeited, false, untrue, altered, or erased, or if any Person shall knowingly or wilfully make any false Declaration in relation to any such

such Certificate or any of the Matters therein expressed or contained, every Person so offending shall for every such Offence forfeit the Sum of *Five hundred Pounds*.

XII. All Corn or Grain in operation for the making thereof into Malt
 5 by any Maltster or Maker of Malt for Sale at the Time when the
 Officer of Excise shall take an Account of the dry unground Malt in
 the Stock, Custody, or Possession of such Maltster or Maker of Malt
 under or by virtue of this Act, shall be chargeable only with such
 Rate of the Duties of Excise as will be payable in respect of Malt of
 10 the like Description made after the Fifth Day of July One thousand
 eight hundred and fifty-six, provided such Corn or Grain which shall
 be actually dried, finished, and made into Malt by such Maltster or
 Maker of Malt after such Officer shall have taken such Account as
 aforesaid, and before the Sixth Day of July One thousand eight hun-
 15 dred and fifty-six, shall be kept separate and apart from all other
 Corn, Grain, or Malt until the said last-mentioned Day, and that it
 be produced to the Sight of the proper Officer of Excise in order that
 he may take an Account, and ascertain the true Quantity thereof, if
 he shall think fit so to do, at any Time on or before the said last-
 20 mentioned Day, and that no Allowance be claimed or made by virtue
 of this Act in respect thereof.

Malt in ope-
 ration to be
 charged only
 with the
 Rate of Duty
 payable after
 5th July
 1856.

XIII. And whereas Malt Traders may have made Sales or
 Deliveries, or Contracts or Agreements for the Sale or Delivery, of
 Malt as Malt in respect of which the Rates of the Duties of Excise
 25 chargeable before the Sixth Day of July One thousand eight hundred
 and fifty-six were paid or charged, but for which, as Part of the Stock
 of such Malt Traders, the Allowance under this Act may be made
 thereon, or such Malt may be charged only with the reduced Rate of
 Duty on Malt payable after the Fifth Day of July One thousand
 30 eight hundred and fifty-six, and it is reasonable that Provision should
 be made for the Relief of the Buyers of such Malt so far as the
 Amount of the Duty hereby allowed or remitted formed a Part of the
 Price of the Malt so sold or delivered, or for which such Contracts or
 Agreements have been made: Be it therefore enacted, That every
 35 Malt Trader who shall have sold or delivered, or contracted or
 agreed to sell or deliver, any Malt in respect of which any Allowance
 or Remission of Duty is granted by or under this Act, and which
 Malt was so sold or delivered or contracted or agreed for as Malt
 which had paid or been charged with the full Duties of Excise on
 40 Malt payable before the Sixth Day of July One thousand eight
 hundred and fifty-six, shall abate and deduct, and if the Purchase
 Money has been paid shall refund and return to the Buyer of such
 Malt, from the Price for which such Malt was so sold or delivered,

Malt Traders
 having con-
 tracted for
 the Sale of
 Malt to
 abate from
 the Price and
 allow to the
 Purchaser
 the Amount
 of Allowance
 or Remission
 of Duty ob-
 tained in
 respect of
 such Malt.

or contracted or agreed for, the whole of the Allowance or Remission of Duty granted by this Act, and received by or remitted to the Seller of such Malt in respect thereof, and shall stand and be possessed of the Amount of such Allowance or Remission of Duty as Money had and received to the Use of the Buyer of such Malt; and no Action, 5 or Suit at Law or in Equity shall be brought or be maintainable against the Buyer of any such Malt by any Malt Trader, being the Seller thereof, for so much of the Price of such Malt as shall be equal to the Amount of the Allowance or Remission of Duty granted by this Act, and so received by or remitted to such Seller; and all 10 Proceedings brought or instituted for the Recovery thereof shall be null and void to all Intents and Purposes whatsoever.

Excise Duty
on Sugar
used in brew-
ing Beer to
cease after
5th April
1856.

XIV. And whereas by an Act of the Eighteenth Year of Her Majesty's Reign, Chapter Twenty-two, a Duty of Excise at the Rate of Three Shillings and Ninepence per Hundredweight was granted 15 and imposed upon Sugar used in the brewing or making of Beer, such Rate of Duty, together with the Duties of Customs on Sugar, being deemed to be an Equivalent for the increased Rate of Duty of Excise granted by the Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign on the Malt for which such Sugar might be 20 substituted in the brewing or making of Beer, and which said increased Rate of Duty on Malt will cease and determine after the Fifth Day of July One thousand eight hundred and fifty-six: Be it therefore enacted, That from and after the Fifth Day of July One thousand eight hundred and fifty-six, the said Duty of Excise granted 25 and imposed by the said last-mentioned Act on Sugar used in the brewing or making of Beer shall also cease and determine until *the Fifth Day of April One thousand eight hundred and fifty-eight*; and inasmuch as the Duties of Customs on Sugar will then cease to be an Equivalent for the Duty on Malt when such Sugar is used in 30 the brewing or making of Beer, there shall be charged and paid on all Sugar so used after the said last-mentioned Day a Duty of Excise at the Rate of *Two Shillings and Fourpence* per Hundredweight over and above all other Duties of Excise or Customs.

Drawbacks
on Exporta-
tion of Beer
after 5th
July 1856.

XV. And as to the Drawback upon the Exportation of Beer to 35 Foreign Parts, be it enacted, That notwithstanding anything contained in the said Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, the Rates of Drawback by the said Act granted, and specified and set forth in Schedule (B.) thereof, on Beer exported from any Part of the United Kingdom to Foreign Parts as Merchan- 40 dise, shall continue to be allowed and paid in lieu of all other Drawbacks on such Beer in respect of all Beer brewed between the Eighth Day of May One thousand eight hundred and fifty-four and the

aforesaid all the Weighings and Measurements that may be necessary to be made of the respective Liquids shall be made when the same are at the Temperature of Sixty Degrees of Fahrenheit's Thermometer, and at that Temperature distilled Water shall be considered as One Thousand.

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Allowances
or Draw-
backs in
respect of
Malt used in
the distilling
of Spirits not
to be deemed
to be re-
vived.

XVII. And whereas an Act was passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign, Chapter Ninety-four, to allow Malt to be used Duty-free in the distilling of Spirits, and by the Fourth Section of the same Act all Allowances and Drawbacks of Excise granted by any former Act in respect of the Malt used in the making of Spirits were made to cease and determine: Be it enacted, That nothing in the said Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Twenty-seven, shall be deemed or construed to extend to revive at any Time hereafter, or on any Event whatever, any Allowances or Drawbacks of Excise what- ever in respect of Malt used in the distilling of Spirits.

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Duties, &c.
to be under
the Manage-
ment of the
Commission-
ers of Inland
Revenue,
and to be
collected and
paid under
the Provi-
sions of Acts
relating to
Excise.

XVIII. The said several Duties, Allowances, and Drawbacks of Excise by this Act granted and imposed and allowed respectively shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, collected, recovered, paid, applied, and allowed respectively in such and the like Manner, and by the same Ways, Means, and Methods, by which other Duties, Allowances, and Drawbacks of Excise upon or in respect of Goods or Commodities of the same Sorts or Kinds respectively are or may be respectively charged, collected, recovered, allowed, paid, and applied; and all Acts relating to the Duties, Allowances, and Drawbacks of Excise respectively, and all Fines, Forfeitures, Pains, and Penalties for any Offence against or in breach of any Act or Acts for securing the Duties of Excise, or any of them, or for the Regulation or Improvement thereof, and the several Clauses, Provisions, Powers, and Directions contained in such Acts, shall and are hereby directed and declared (except as altered by this Act) to extend to and shall be respectively applied, practised, and put in execution for and in respect of the said Duties, Allowances, and Drawbacks hereby granted, imposed, and allowed respectively in as full and ample a Manner to all Intents and Purposes as if all and every the said Acts, Clauses, Provisions, Powers, and Directions, Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties, Allowances, and Drawbacks hereby respectively granted, imposed, and allowed as aforesaid.

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What shall
be deemed to
be unmaltd

XIX. And whereas an Act was passed in the Second Session of Parliament holden in the Fifth Year of Her Majesty's Reign, Chapter Thirty,

Thirty,

- Thirty, to provide Regulations for preparing and using roasted Malt in colouring Beer, and by the same Act any Roaster of Malt or Dealer in roasted Malt is prohibited under the Penalties and Forfeitures therein mentioned from having in his Custody or Possession any raw
- 5 or unmalted Corn or Grain of any Description, roasted or unroasted, mixed or not mixed with any Malt: Be it enacted, That all Corn or Grain found in the Custody or Possession of any Roaster of Malt or Dealer in roasted Malt, which Corn or Grain shall not have germinated to such a Degree that the Plumule thereof shall have extended
- 10 beyond the Cotyledon, shall be deemed to be unmalted Corn or Grain within the Meaning of the said last-mentioned Act; but no Penalty or Forfeiture shall be incurred in respect of any Malt by reason of its being found to contain a Proportion not exceeding *Five* per Cent, of Grain which may not have germinated to the Extent aforesaid,
- 15 provided reasonable Evidence shall be adduced to prove that such last-mentioned Grain has been subjected to the usual legal Process for the making of Malt.

Grain in the
Possession
of a Malt
Roaster.

SCHEDULE,

Containing a Table to be used in determining the original specific Gravity of Worts of Beer.

Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.
·1	·3	4·1	15·5	8·1	34·3	12·1	54·9
·2	·6	4·2	16·0	8·2	34·8	12·2	55·4
·3	·9	4·3	16·4	8·3	35·4	12·3	55·9
·4	1·2	4·4	16·8	8·4	35·9	12·4	56·4
·5	1·5	4·5	17·3	8·5	36·5	12·5	56·9
·6	1·8	4·6	17·7	8·6	37·0	12·6	57·4
·7	2·1	4·7	18·2	8·7	37·5	12·7	57·9
·8	2·4	4·8	18·6	8·8	38·0	12·8	58·4
·9	2·7	4·9	19·1	8·9	38·6	12·9	58·9
1·0	3·0	5·0	19·5	9·0	39·1	13·0	59·4
1·1	3·3	5·1	19·9	9·1	39·7	13·1	60·0
1·2	3·7	5·2	20·4	9·2	40·2	13·2	60·5
1·3	4·1	5·3	20·9	9·3	40·7	13·3	61·1
1·4	4·4	5·4	21·3	9·4	41·2	13·4	61·6
1·5	4·8	5·5	21·8	9·5	41·7	13·5	62·2
1·6	5·1	5·6	22·2	9·6	42·2	13·6	62·7
1·7	5·5	5·7	22·7	9·7	42·7	13·7	63·3
1·8	5·9	5·8	23·1	9·8	43·2	13·8	63·8
1·9	6·2	5·9	23·6	9·9	43·7	13·9	64·3
2·0	6·6	6·0	24·1	10·0	44·2	14·0	64·8
2·1	7·0	6·1	24·6	10·1	44·7	14·1	65·4
2·2	7·4	6·2	25·0	10·2	45·1	14·2	65·9
2·3	7·8	6·3	25·5	10·3	45·6	14·3	66·5
2·4	8·2	6·4	26·0	10·4	46·0	14·4	67·1
2·5	8·6	6·5	26·4	10·5	46·5	14·5	67·6
2·6	9·0	6·6	26·9	10·6	47·0	14·6	68·2
2·7	9·4	6·7	27·4	10·7	47·5	14·7	68·7
2·8	9·8	6·8	27·8	10·8	48·0	14·8	69·3
2·9	10·2	6·9	28·3	10·9	48·5	14·9	69·9
3·0	10·7	7·0	28·8	11·0	49·0	15·0	70·5
3·1	11·1	7·1	29·2	11·1	49·6	15·1	71·1
3·2	11·5	7·2	29·7	11·2	50·1	15·2	71·7
3·3	12·0	7·3	30·2	11·3	50·6	15·3	72·3
3·4	12·4	7·4	30·7	11·4	51·2	15·4	72·9
3·5	12·9	7·5	31·2	11·5	51·7	15·5	73·5
3·6	13·3	7·6	31·7	11·6	52·2	15·6	74·1
3·7	13·8	7·7	32·2	11·7	52·7	15·7	74·7
3·8	14·2	7·8	32·7	11·8	53·3	15·8	75·3
3·9	14·7	7·9	33·2	11·9	53·8	15·9	75·9
4·0	15·1	8·0	33·7	12·0	54·3	16·0	76·5

Excise.

A

B I L L

To grant Allowances of Excise Duty on Malt in Stock; to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty; to repeal and re-impose the Excise Duty on Sugar used in brewing Beer; and to amend the Law relating to Malt Roasters.

(*Prepared and brought in by
Mr. FitzRoy, the Chancellor of the Exchequer,
and Mr. Wilson.*)

*Ordered, by The House of Commons, to be Printed,
30 May 1856.*

[Bill 157.]

Under 1 oz.



A

B I L L

FOR

The further Amendment of the Laws relating to Labour in Factories.

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of Her present Majesty's Reign, Chapter Fifteen, intituled "An Act to amend the Laws relating to Labour in Factories:" And whereas by Section Twenty-one of the said Act it was amongst other things enacted, that all Parts of the Mill-gearing in a Factory should be securely fenced; and by Section Forty-three of the said Act provision was made for referring to competent Persons as Arbitrators all Questions relating to Machinery which an Inspector or Sub-Inspector might observe in a Factory not securely fenced, and which he might deem to be likely to cause bodily Injury, and of which he should give Notice to the Occupier of a Factory; and by Sections Fifty-nine and Sixty certain Penalties are incurred for not fencing such Machinery, and for any Accident arising from such Non-fencing, and for any Disobedience of the Notice given by such Inspector or Sub-Inspector: And whereas Doubts have arisen as to the true Construction of the said several Sections; and it is expedient that such Doubts should be removed, and that the aforesaid Provisions of the said Act should be explained and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in
[Bill 59.]

Preamble.

7 & 8 Vict.
c. 15.

this

this present Parliament assembled, and by the Authority of the same,
as follows :

Short Title. I. This Act may be cited for any Purpose as "The Factory Act,
1856."

Commence- II. This Act shall commence and take effect on and from the *First 5*
ment of Act. *Day of June One thousand eight hundred and fifty-six.*

Recited Act and this Act to be One Act. III. The said recited Act and this Act shall be construed and
executed as if they were One Act.

Application of Twenty-first Section of recited Act. IV. The said Twenty-first Section, so far as the same refers to Mill-
gearing, shall apply to such Mill-gearing only as may in the Opinion 10
of an Inspector or Sub-Inspector be deemed likely to cause bodily
Injury to any Person employed in a Factory.

Interpreta- V. the Word "Machinery" in the said Forty-third Section shall be
tion. considered as applicable to and as including Mill-gearing of every
Description, and it shall be imperative on all Inspectors and Sub- 15
Inspectors to proceed under the said Forty-third Section in every
Instance in which they shall deem such Mill-gearing likely to cause
bodily Injury, previously to laying any Information to recover
Penalties under the said Act ; the Word "Machinery," in the Twenty-
fourth, Forty-second, Fifty-ninth, and Sixtieth Sections of the said 20
Act, shall also be considered as applicable to and as including Mill-
gearing.

Factories.

A

B I L L

For the further Amendment of the Laws
relating to Labour in Factories.

(Prepared and brought in by
Colonel Wilson Patten and Lord Stanley.)

*Ordered, by the House of Commons, to be Printed,
29 February 1856.*

[Bill 59.]
Under 1 oz.

7 April 1856. 19 Vict.



A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The further Amendment of the Laws relating to Labour in Factories.

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of Her present Majesty's Reign, Chapter Fifteen, intituled "An Act to amend the Laws relating to Labour in Factories:" And whereas by Section Twenty-one of the said Act it was amongst other things enacted, that all Parts of the Mill-gearing in a Factory should be securely fenced; and by Section Forty-three of the said Act Provision was made for referring to competent Persons as Arbitrators all Questions relating to Machinery which an Inspector or Sub-Inspector might observe in a Factory not securely fenced, and which he might deem to be likely to cause bodily Injury, and of which he should give Notice to the Occupier of a Factory; and by Sections Fifty-nine and Sixty certain Penalties are incurred for not fencing such Machinery, and for any Accident arising from such Non-fencing, and for any Disobedience of the Notice given by such Inspector or Sub-Inspector: And whereas Doubts have arisen as to the true Construction of the said several Sections; and it is expedient that such Doubts should be removed, and that the aforesaid Provision of the said Act should be explained and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in
[Bill 90.] this

Preamble.
7 & 8 Vict.
c. 15.

this present Parliament assembled, and by the Authority of the same, as follows :

Short Title. I. This Act may be cited for any Purpose as "The Factory Act, 1856."

Commence- II. This Act shall commence and take effect on and from the First 5
ment of Act. Day of June One thousand eight hundred and fifty-six.

Recited Act and this Act to be One Act. III. The said recited Act and this Act shall be construed and executed as if they were One Act.

Sect. 21. to apply only to Mill-gearing with which Children and young Persons are liable to come in contact. IV. The said Section Twenty-one, so far as the same refers to the Mill-gearing, shall apply only to those Parts thereof with which 10
Children and young Persons are liable to come in contact, either in passing or in their ordinary Occupation in the Factory.

The Word "Machinery" in Sect. 43. to extend to other Mill-gearing. V. The Word "Machinery" in the said Section Forty-three shall be considered as applicable to and including all other Parts of the Mill-gearing in a Factory with which Children and young Persons are not 15
liable to come in contact in passing or in their ordinary Occupation in the Factory; and the Word "Machinery," in the Twenty-fourth, Forty-second, Fifty-ninth, and Sixtieth Sections of the said Act, shall be considered as applicable to and as including Mill-gearing.

Penalty for not fencing Machinery after Notice. VI. Where, under the said Section Forty-three as amended by this 20
Act, an Inspector or Sub-Inspector gives Notice in Writing to the Occupier of a Factory or his Agent in relation to any Part of the Machinery or any Driving Strap or Band not securely fenced, which such Inspector or Sub-Inspector deems likely to cause bodily Injury to any Person employed in the Factory, if the Occupier of such 25
Factory do not within the Time in this Behalf limited by the said Section make Application in Writing for referring the Question of the fencing of the Machinery, Strap, or Band to which the Notice refers to Arbitration, and with the least possible Delay appoint an Arbitrator, or if the Decision in any such Arbitration be that it is necessary and 30
possible to fence the said Machinery, Strap, or Band, the Occupier of the Factory shall be liable to a Penalty of not less than Five Pounds and not more than Twenty Pounds if he do not within a reasonable Time after such Notice or Decision (as the Case may be) cause such Machinery, Strap, or Band to be well and securely fenced, and at all 35
Times thereafter keep the same well and securely fenced.

Factories.

A

B I L L

[AS AMENDED IN COMMITTEE]

For the further Amendment of the Laws
relating to Labour in Factories.

(*Prepared and brought in by*
Colonel Wilson Patten and Lord Stanley.)

Ordered, by the House of Commons, to be Printed,
7 April 1856.

[Bill 90.]
Under 1 oz.

3 April 1856. 19 VICT.



A

B I L L

TO

Amend the Laws relating to the Duties on Fire Insurances.

WHEREAS, under and by virtue of certain Acts passed in Preamble.
that Behalf, Persons insuring or keeping an Office for
insuring properly from Loss by Fire are required to take
out Licences for that Purpose from the Commissioners of Inland
5 Revenue, and to give Security by Bond for duly rendering Accounts
of such Insurances and paying the Duty chargeable in respect thereof,
and a certain Stamp Duty is by Law chargeable upon any Policy or
other Instrument whereby any Insurance is made of or upon Property
from Loss or Damage by Fire, and a further Duty at and after the
10 Rate of Three Shillings per Centum per Annum is also chargeable in
respect of every such Insurance: And whereas it is expedient to
amend as herein-after mentioned the Laws relating to the Duties on
such Insurances: Be it therefore enacted by the Queen's most Excel-
lent Majesty, by and with the Advice and Consent of the Lords
15 Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, as follows:

I. Every Person who in the United Kingdom shall receive or accept
any Proposal or Instructions for the Insurance of Property from Loss
or Damage by Fire by any Company, Society, or Person or Persons
20 out of the United Kingdom, or who shall keep or have or conduct
[Bill 85.]

Persons deemed to keep an Office for insuring Property
or

from Loss
by Fire.

or manage any Office or Place for accepting or receiving or issuing any such Proposals or Instructions, or who shall be held out by any public Advertisement or Notice as a Person to or by or from whom any such Proposals or Instructions may be given or received or obtained, or through or by means of whom any such Insurance as aforesaid may be effected, and every Person who shall in any Manner effect or negotiate or be concerned in effecting or negotiating any such Insurance as aforesaid for on behalf of any such Company, Society, or Person or Persons as aforesaid, or who shall issue or deliver out any Policy or other Instrument or any Note or Memorandum of or relating to any such Insurance as aforesaid, made or proposed or intended, shall be held and deemed to be a Person keeping an Office for insuring Property from Loss by Fire within the Meaning of the several Acts before mentioned, and shall be and is hereby required to take out a proper Licence in that Behalf, and to give Security in the Manner directed by the said Acts respectively, and in such Form as the Commissioners of Inland Revenue shall think proper, for accounting for and paying the Duties with which he shall be chargeable as herein-after mentioned; and if any such Person hereby required to take out such Licence and to give such Security as aforesaid shall neglect or omit so to do, he shall forfeit the Sum of *One hundred Pounds*, and the like Penalty for every Day that such Neglect or Omission shall continue.

Required to
take out
Licence and
give Security
for Payment
of the Duties.

Penalty for
Neglect.

Persons
keeping
Offices for
Insurances
on behalf of
Foreign
Companies
to be charge-
able with
the Duties
on such
Insurances.

II. Every Person who by reason of any such Act or Means as in the preceding Clause mentioned shall be deemed to be a Person keeping such Office as aforesaid within the Meaning of this Act and the several Acts aforesaid shall account for and shall be chargeable with the Duties in respect of all such Insurances as aforesaid made or undertaken or agreed to by any Company, Society, or Person or Persons out of the United Kingdom for whom or on whose Behalf or in respect of whose Business of Insurance he shall do any such Act as aforesaid, or become a Person keeping such Office as aforesaid.

Duties to be
chargeable
on all Insu-
rances of
Property
within the
United King-
dom where-
soever made.

III. The said respective Duties by the said Acts granted as aforesaid shall extend to and be payable and paid for and in respect of every Insurance of Property within the United Kingdom from Loss or Damage by Fire, whether the same shall be made by any Company, Society, or Person or Persons within or out of the United Kingdom, and whether the Policy or other Instrument, Note, or Memorandum of or relating to any such Insurance shall be made, signed, or issued in the United Kingdom or elsewhere, and whether there shall be any such Policy, Instrument, Note, or Memorandum, or not.

Fire Insurances.

A

BILL

To amend the Laws relating to the
Duties on Fire Insurances.

(Prepared and brought in by
Mr. FitzRoy, the Chancellor of the Exchequer,
and Mr. Wilson.)

Ordered, by The House of Commons, to be Printed,
3 April 1856.

[Bill 85.]

Under 1 oz.

5 May 1856. 19 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Laws relating to the Duties on Fire
Insurances.

Note.—Clauses A., B., and C. were added in Committee.

WHEREAS, under and by virtue of certain Acts passed in that Behalf, Persons insuring or keeping an Office for insuring Property from Loss by Fire are required to take out Licences for that Purpose from the Commissioners of Inland Revenue, and to give Security by Bond for duly rendering Accounts of such Insurances and paying the Duty chargeable in respect thereof, and a certain Stamp Duty is by Law chargeable upon any Policy or other Instrument whereby any Insurance is made of or upon Property from Loss or Damage by Fire, and a further Duty at and after the Rate of Three Shillings per Centum per Annum is also chargeable in respect of every such Insurance: And whereas a Practice has been established of insuring from Loss by Fire Property situate within the United Kingdom by Foreign Companies or by Policies or Insurances made abroad, and it is expedient that all such Insurances should be subject to the same Duties as the like Insurances made by Companies within the United Kingdom are now by Law chargeable with: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

[Bill 124.]

I. The

Duties to be chargeable on all Insurances of Property within the United Kingdom where-soever made.

I. The said respective Duties by the said Acts granted as aforesaid shall extend to and be payable and paid for and in respect of every Insurance of Property situate within the United Kingdom from Loss or Damage by Fire, whether the same shall be made by any Company, Society, or Person or Persons within or out of the United Kingdom, 5 and whether the Policy or other Instrument, Note, or Memorandum of or relating to any such Insurance shall be made, signed, or issued in the United Kingdom or elsewhere, and whether there shall be any such Policy, Instrument, Note, or Memorandum, or not.

CLAUSE A.
Persons insured chargeable with Duties where Insurances made by unlicensed Foreign Companies.

II. Where any such Insurance as aforesaid shall be made by any 10 Company, Society, or Person or Persons out of the United Kingdom not having or keeping within the said Kingdom an Office for insuring, and being duly licensed under the said Acts in respect thereof, the Person insured shall be chargeable with the Duties payable in respect of such Insurance, and the same shall be a Debt due from him to 15 Her Majesty, Her Heirs and Successors, and be recoverable in the Manner provided by the Eighth Section of the Act passed in the Fourteenth Year of Her Majesty's Reign, Chapter Ninety-seven, or by any other Mode by which any such Debt may be recovered.

Persons deemed to keep an Office for insuring Property from Loss by Fire.

III. Every Person who in the United Kingdom shall receive or accept 20 any Proposal or Instructions for the Insurance of Property from Loss or Damage by Fire by any Company, Society, or Person or Persons out of the United Kingdom, or who shall keep or have or conduct or manage any Office or Place for accepting or receiving or issuing any such Proposals or Instructions, or who shall be held out by any public 25 Advertisement or Notice as a Person to or by or from whom any such Proposals or Instructions may be given or received or obtained, or through or by means of whom any such Insurance as aforesaid may be effected, and every Person who shall in any Manner effect or negotiate or be concerned in effecting or negotiating any such Insurance as aforesaid 30 for or on behalf of any such Company, Society, or Person or Persons as aforesaid, or who shall issue or deliver out any Policy or other Instrument or any Note or Memorandum of or relating to any such Insurance as aforesaid, made or proposed or intended, shall be held and deemed to be a Person keeping an Office for insuring Property 35 from Loss by Fire within the Meaning of the several Acts before mentioned, and shall be and is hereby required to take out a proper Licence in that Behalf, and to give Security in the Manner directed by the said Acts respectively, and in such Form as the Commissioners of Inland Revenue shall think proper, for accounting for and paying 40 the Duties with which he shall be chargeable as herein-after mentioned; and if any such Person hereby required to take out such Licence and to give such Security as aforesaid shall neglect or omit so to do, he shall

Required to take out Licence and give Security for Payment of the Duties.

Penalty for Neglect.

shall forfeit the Sum of One hundred Pounds, and the like Penalty for every Day that such Neglect or Omission shall continue.

IV. Every Person who by reason of any such Act or Means as in the preceding Clause mentioned shall be deemed to be a Person keeping such Office as aforesaid within the Meaning of this Act and the several Acts aforesaid shall account for and shall be chargeable with the Duties in respect of all such Insurances as aforesaid made or undertaken or agreed to by any Company, Society, or Person or Persons out of the United Kingdom for whom or on whose Behalf or in respect of whose Business of Insurance he shall do any such Act as aforesaid, or become a Person keeping such Office as aforesaid.

Persons keeping Offices for Insurances on behalf of Foreign Companies to be chargeable with the Duties on such Insurances.

V. Provided always, That nothing herein contained shall extend to limit or restrict the charging of the said Duties under any former Act now in force, or to charge with Duty any Insurance expressly exempted by any such former Act.

CLAUSE B. Not to restrict Charge of Duty under former Acts, nor to charge Insurances expressly exempted.

VI. And whereas a Practice prevails amongst certain Insurance Companies, on their granting Policies of Insurance from Loss by Fire for large Sums, to procure from other Companies, in consideration of Portions of the Premiums for such Insurances, Indemnity by way of Guarantee in case of any such Loss happening, against the Payment of certain Parts of the Sums insured, and it is expedient to exempt such Indemnity or Guarantee from the yearly Per-centage Duties which would otherwise be chargeable in respect thereof as an Insurance from Loss by Fire: Be it enacted, That where an Insurance from Loss by Fire shall be made by any Company who shall duly account for and pay the full and proper Duties chargeable in respect thereof, the yearly Per-centage Duty shall not be payable in respect of any Re-insurance effected by such Company with any other Company by way of Indemnity or Guarantee against the Payment on the original Insurance of any Portion of the Money insured thereby, and no other Duty than the Stamp Duty of One Shilling chargeable upon a Policy of Insurance from Loss by Fire shall be payable upon such Re-insurance.

CLAUSE C. Re-insurances from Loss by Fire not to be chargeable with the Per-centage Duty, but with the Policy Stamp only.

Fire Insurances.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Laws relating to the
Duties on Fire Insurances.

(Prepared and brought in by
Mr. FitzRoy, the Chancellor of the Exchequer,
and Mr. Wilson.)

Ordered, by The House of Commons, to be Printed,
5 May 1856.

[Bill 124.]

Under 1 oz.

Formation, &c. of Parishes Bill.

ARRANGEMENT OF CLAUSES.

As to Formation of Parishes or Districts, and Sites for Churches.

Preamble.

Commissioners may constitute a new Parish, whether it contains a Church within its Limit or not; Sect. 1.

District containing a Church to become a new Parish on being constituted a separate District by Order in Council; 2.

3 & 4 Vict. c. 113. s. 67. extended to this Act; 3.

Endowment according to 6 & 7 Vict. c. 37. s. 9. may be modified; 4.

Provisions of 6 & 7 Vict. c. 37. s. 22. to apply to Ecclesiastical and Collegiate Corporations; 5.

Public Departments may make Grants for Purposes of Acts; 6.

Ecclesiastical Commissioners may appropriate Lands for Sites of Churches; 7.

As to Pew Rents.

Right to Pews in the old Parish Church not to be retained after Occupation of Sitings in the new; 8.

Pew Rents may be taken according to Scale, and applied towards Repair of Church and Endowment; 9.

Portions of Pew Rents may be accumulated towards permanent Endowment; 10.

Accumulations to be applied towards permanent Endowment; 11.

Upon permanent Endowment of any Church or Chapel, a proportionate Number of Sitings to be declared free, or Scales of Pew Rents to be reduced; 12.

Scale of Pew Rents may be altered; 13.

Clerk and Sexton to be appointed by Incumbent, and their Salaries fixed by Commissioners, and paid out of Pew Rents; 14.

As to Churchyards, Vaults, and Burials.

Fees for Interments, and Profits of Sale of Vaults, to belong to Incumbent; 15.

No Grave to be made at a less Distance than Twenty Feet from the Walls of the Church; 16.

Power to alter Fences in Churchyards and turn Footpaths according to 59 Geo. 3. c. 134. s. 39;—17.

[Bill 3.]

a

Freeholds of Churches and Burial Grounds to vest in Incumbent ;
18.

Performance of the Offices of the Church.

Offices of the Church to be performed in all Churches or Chapels to which any District may have been assigned under the Church Building Acts ; 19.

As to Districts becoming new Parishes.

Districts may become new Parishes upon Application of Incumbent and Churchwardens and Two Third Parts in Value of Inhabitants ;
20.

Commissioners may direct Revenues belonging to or arising from Church of Mother Parish to be retained ; 21.

Existing Laws and Regulations respecting Vestries to apply to Vestries of new Parishes ; 22.

Reserved Fees to belong to original Incumbent until First Avoidance, then to the Incumbent of new Parish ; 23.

Style and Character of Ministers of new Parishes ; 24.

As to Patronage and Endowment.

6 & 7 Vict. c. 37. s. 20. extended ; 25.

Patronage may be conferred upon Contributors to Endowment or their Nominees, upon certain Considerations ; 26.

Assignment of Patronage to be made with certain Consents ; 27.

Notices to be sent to Patrons ; 28.

Who to be deemed Patrons ; 29.

Patronage not to be sold ; Penalty of Lapse for so doing ; 30.

Patronage may be vested in certain Cases in Incumbent of original Parish ; 31.

Lands, Tithes, &c., and other Endowments, to vest in Incumbent and his Successors ; 32.

As to Trustees for the Exercise of Patronage.

When several join in building or endowing, Patronage to be vested in Trustees ; 33.

Appointment of Trustees, &c. ; 34.

As to Division of Parishes and Resettlement of Endowments.

Parishes may be divided, with certain Consents ; 35.

In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made ; 36.

Substitution of another Church for existing Parish Church.

Another Church may be substituted for the old Parish Church, with certain Emoluments and Endowments transferred; 37.

Churches or Chapels without Districts.

Churches and Chapels without Districts to be served by Incumbents of the Parish in which they are situate, or by Person appointed by Incumbent; 38.

Parish of Manchester Division Act.

Saving of Parish of Manchester Division Act, 1850, and other Parochial Rights, except as expressly provided; 39.

Extension of Powers.

Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act; 40.

Interpretation Clause.

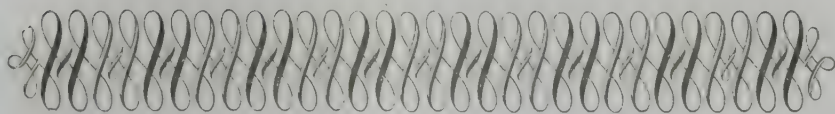
Interpretation of Terms; 41.

Extension of Act.

Extent of Act; 42.

SCHEDULE.

4 February 1856. 19 VICT.



A

B I L L

TO

Facilitate the Formation and Endowment of separate and distinct Parishes.

WHEREAS it is expedient to afford increased Facilities for Preamble.
the Subdivision of populous Districts, and for the For-
mation thereof of separate and distinct Parishes for all
Ecclesiastical Purposes, and also to make better Provision for the
5 Endowment and Augmentation of poor Livings in England and
Wales: And whereas by an Act passed in the Sixth and Seventh 6 & 7 Vict.
Years of Her Majesty, Chapter Thirty-seven, the Ecclesiastical c. 37. s. 9.
Commissioners for England are empowered, in the Case of Parishes,
Chapelries, and Districts of great Extent and containing a large Popu-
10 lation, to constitute any Part or Parts thereof a separate District for
Spiritual Purposes, such District not at the Time of so constituting
the same containing within its Limits any consecrated Church or
Chapel, and it is expedient that the Provisions of the said Act relative
thereto, and to the Matter and Things consequent thereon, should be
15 extended and amended in manner following: Be it therefore enacted
by the Queen's most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
[Bill 3.] A present

present Parliament assembled, and by the Authority of the same, as follows: That—

Commissioners may constitute a new Parish, whether it contains a Church within its Limit or not.

I. If it shall be made to appear to the said Commissioners that it would promote the Interests of Religion that any Part or Parts of any Parish, District, or Place, or contiguous Parishes, Districts, or Places, 5 or Parts thereof respectively, should be constituted a separate District for Spiritual Purposes, it shall be lawful, by the Authority and in the Manner provided by the said Act, with the Consent of the Bishop of the Diocese under his Hand and Seal, at any Time to set out by Metes and Bounds and constitute a separate District accordingly, 10 whether such District shall then contain within its Limits any consecrated Church or Chapel for the Purposes of Divine Worship or not, any Local Act of Parliament whatsoever to the contrary notwithstanding, and to fix and declare a Name for the same; subject nevertheless, as to the Constitution of the same, to such Provisoos, 15 Conditions, and Regulations as are contained in the said Act of the Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, and the Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, relative to the Constitution of separate Districts thereunder.

District containing a Church to become a new Parish on being constituted a separate District by Order in Council.

II. In case such proposed District shall already contain within its 20 Limits any consecrated Church or Chapel, some such Church or Chapel shall be specified in the Application to be made as aforesaid as and for the Church intended to belong to such District; and immediately upon the issuing of the Order of Her Majesty in Council ratifying the Scheme for constituting such proposed District a separate 25 District, such District shall become and be a new Parish, such as is contemplated by this Act, and the Incumbent of such Church or Chapel shall be liable to the Performance of Pastoral Duty within the Limits of such new Parish.

3 & 4 Vict. c. 113. s. 67. extended to this Act.

III. The Third and Fourth of Victoria, Chapter One hundred and 30 thirteen, Section Sixty-seven, shall extend and be applicable to Districts and Parishes constituted or brought within the Provisions of this Act.

Endowment according to 6 & 7 Vict. c. 37. s. 9. may be modified.

IV. Where the said Commissioners shall state in any Scheme for constituting any District under the Provisions of the said recited Acts 35 or of this Act, that it appears to them, for Reasons to be specified therein, that it is expedient that such District should be constituted, without providing in such Scheme for the same District so large a permanent Endowment as is required by the Ninth Section of the said first-recited Act, or without providing any such permanent Endow- 40 ment, it shall be lawful for the said Commissioners to recommend the Constitution of such District accordingly.

V. The

V. The Powers and Provisions contained in the Twenty-second Section of the said first-recited Act, enabling any Person or Body Corporate to give and grant Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, for the Purposes of the said Act, shall be construed and held to authorize any Ecclesiastical or Collegiate Corporation, aggregate or sole, to give or grant any Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, belonging to such Corporation, in such Manner as is in the said firstly and secondly recited Acts mentioned, for the Purposes of the said recited Acts or of this Act: Provided always, that the said Powers shall not be exercised by the Incumbent of any Benefice with Cure of Souls without the Consent of the Patron of such Benefice.

Provisions of 6 & 7 Vict. c. 37. s. 22. to apply to Ecclesiastical and Collegiate Corporations.

VI. For the Purpose of providing Houses of Residence or Sites for Houses of Residence, Churches, or Burial Grounds authorized to be built or provided by this Act, it shall be lawful for the Officer or Officers of any Public Department having or holding any Messuages, Lands, Tenements, or Hereditaments, for and on behalf of Her Majesty and Her Successors for the public Use of any such Department, by Deed duly executed according to the Custom of the particular Department, and countersigned by the Commissioners of Her Majesty's Treasury, to give, grant, and convey to the said Ecclesiastical Commissioners any such Messuages, Lands, Tenements, and Hereditaments, and for the said Ecclesiastical Commissioners to receive, take, and hold and enjoy the same for the Purposes aforesaid, and such Gifts, Grants, and Conveyances shall be valid and effectual in Law without any Licence or Writ of Ad quod damnum, the Statute of Mortmain or any other Statute or Law to the contrary notwithstanding.

Public Departments may make Grants for Purposes of Acts.

VII. It shall be lawful by the Authority in the said first-recited Act mentioned, that is to say, by a Scheme prepared by the Ecclesiastical Commissioners for England, and ratified by a duly gazetted Order of Her Majesty in Council, to assign and appropriate as and for a Site for any Church or Chapel to be provided for the Use and Service of the Minister and Inhabitants of any District constituted or to be constituted under the Provisions of the said firstly and secondly recited Acts, or either of them, or of this Act, any Lands and Premises vested or which may become vested in the said Ecclesiastical Commissioners for England.

Ecclesiastical Commissioners may appropriate Lands for Sites of Churches.

VIII. No Person resident within the Limits of any new Parish or District already formed under any of the Church Building Acts, or hereafter to be formed under the Provisions of the said Acts of the Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, and the Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, [3.]

Right to Pews in the old Parish Church not to be retained after Occupation of Sittings in the new.

or of this Act, who shall rent or occupy a Pew or Sittings in the Church of such new Parish, shall thereafter retain any Right to a Pew or Sittings in the Church or Chapel of the original Parish or other Ecclesiastical District out of which such Parish shall have been taken, whether held by Faculty or otherwise. 5

Pew Rents may be taken according to Scale, and applied towards Repair of Church and Endowment.

IX. It shall be lawful for the Commissioners, with the Consent of the Bishop of the Diocese under his Hand, to order and declare by an Instrument in Writing under their Common Seal that annual Rents may be reserved and taken in respect of any Pews or Sittings in the Church or Chapel of any new Parish constituted or to be constituted 10 under the Provisions of the said recited Acts or of this Act (not exceeding Two Third Parts of the whole Number of Pews and Sittings in such Church or Chapel), and such Rents shall be charged, levied, and taken by the Church or Chapel Wardens for the Time being of such Church or Chapel after a Rate or Scale which shall be 15 specified in such Instrument, and the Proceeds, or a due Proportion thereof, shall be applied by such Church or Chapel Wardens to such Uses, connected with the Repair of the same Church or Chapel, and of the Maintenance of the Services and the Endowment of the Minister thereof, as shall also be specified in such Instrument. 20

Portions of Pew Rents may be accumulated towards permanent Endowment.

X. The said Commissioners, with the like Consent of the Bishop, may, in any such Instrument under their Hand, order and direct that any Proportion of the Pew Rents authorized or to be authorized to be taken in any Church or Chapel, not exceeding *One Fourth* Part thereof, shall be paid over to them, towards the Formation of a per- 25 manent Fund for the Repair of or for the Endowment of such Church or Chapel or of the Incumbent thereof, and such Proportion shall be paid over by the Church or Chapel Wardens accordingly, or Persons acting as such, and be accumulated in the Books of the said Commissioners at Compound Interest, after the Rate of *Three Pounds* per 30 Centum per Annum.

Accumulations to be applied towards permanent Endowment.

XI. Whenever and so often as any Monies which may be received by the said Commissioners, under the Provisions of this Act, in respect of the Rents of Pews or Sittings in any Church or Chapel, shall amount or have accumulated to a Sum equal to the Price for the Time 35 being of a Sum of One thousand Pounds Three per Centum Stock, it shall be lawful for the said Commissioners and they are hereby required to appropriate, in such Proportions as they shall determine, the yearly Sum of *Thirty Pounds*, which shall be taken as the annual Proceeds of such accumulated Sum, as a Provision for the neces- 40 sary Repair or for the permanent Augmentation of the Endowment of the Church or Chapel from which such Rents shall have arisen, and

and the said Commissioners shall, by the Authority of a Scheme, ratified by an Order of Her Majesty in Council as aforesaid, apply the same accordingly.

- XII. Upon the permanent Endowment of any such Church or Chapel, by the Application of any such yearly Sum as aforesaid, or upon a permanent Endowment, approved by the Commissioners, being provided either in whole or in part, by any Body or Person, for any Church or Chapel in which Pew Rents have previously been authorized to be taken, the Commissioners may thereupon in either Case, under such an Instrument under their Common Seal as is herein-before mentioned, with the Consent of the Bishop of the Diocese, make an equivalent Reduction in the total Amount of the Rents authorized to be taken for the Pews or Sitings in such Church or Chapel, either by a Reduction of the Rate or Scales, or by declaring certain specific Pews or Sitings theretofore chargeable with the Rents to be absolutely free: Provided always, that if any Sum or Sums of Money have been borrowed under the Authority of any Act of Parliament or Order in Council upon the Security of such Pew Rents or of any Part of them, such Interest shall not take effect until after the Repayment of all Sums so charged or chargeable.

Upon permanent Endowment of any Church or Chapel a proportionate Number of Sitings to be declared free, or Scale of Pew Rents to be reduced.

- XIII. It shall be lawful for the said Commissioners, by an Instrument or Instruments under their Common Seal as aforesaid, with the like Consent of the Bishop, from Time to Time or at any Time, to rescind the whole or any Part of the Provisions contained in any Instrument such as aforesaid which may be in force; but no Alteration to be so made shall take effect until the next Avoidance of the Church or Chapel to which the same shall relate, unless with the Consent of the Incumbent thereof under his Hand.

Scale of Pew Rents may be altered.

- XIV. It shall be lawful by the Authority aforesaid to fix and settle such annual Sum as may be fair and reasonable as and for the Salaries of such Persons who may be appointed to the Offices of Clerk and Sexton in the Churches of new Parishes created under the firstly and secondly recited Acts, or either of them, or this Act, and such Sums shall be charged upon and paid out of the Pew Rents of such Church, and be in lieu of all other Fees, Dues, and Allowances whatever: Provided always, that every such Parish Clerk and Sexton shall and may be appointed by the Incumbent for the Time being of such Church, and be by him removeable, with the Consent of the Bishop of the Diocese, for any Misconduct.

Clerk and Sexton to be appointed by Incumbent, and their Salaries fixed by Commissioners and paid out of Pew Rents.

- XV. All Fees, Dues, and Payments whatsoever which shall arise from or be payable in respect of the Sale or other Disposition, or from [3.] A 3 or

Fees for Interments and Profits of

Sale of
Vaults to
belong to
Incumbent.

or in respect of the opening for the Purposes of Interment of the Vaults or Burial Places under the Church or Chapel, or of the Vaults or Burial Ground in the Cemetery or Yard of the Church or Chapel of any Parish or District created or constituted pursuant to the Provisions of this Act shall belong and be paid to the Incumbents for 5 the Time being of such Church or Chapel: Provided always, that if there shall not be any Burial Ground or Cemetery belonging to such Church or Chapel, then, and in the meantime and until a Burial Ground or Cemetery shall be provided for such Church or Chapel, the Bodies of Persons dying within such Parish or District may be interred in 10 the Cemetery or Burial Ground of the Church or Chapel of the original Parish, District, or Place out of which such aforesaid Parish or District shall have been taken, and the Fees, Dues, and Payments in respect of such last-mentioned Interments shall belong and be paid to the Incumbent of such original Parish, District, or Place. 15

No Grave to
be made at a
less Distance
than Twenty
Feet from
the Walls of
the Church.

XVI. So much of the said Act of the Fifty-eighth Year of George the Third, Chapter Forty-five, as is contained in the Eightieth Section of the same shall be applicable in all its Particulars in the Cases of Churches and Chapels erected or to be erected under the Provisions of the said first-mentioned Act or of this Act as fully and 20 effectually as if the aforesaid Provision had been repeated herein, and such Churches and Chapels and the Districts or Parishes thereof shall be subject to all the Laws in force for regulating the Burial of the Dead either within or beyond the Limits of the Metropolis as the Case may be. 25

Power to
alter Fences
in Church-
yards, and
turn Foot-
paths accord-
ing to 59G. 3.
c. 134. s. 39.

XVII. The Powers and Authorities vested in the Church Building Commissioners by the Thirty-ninth Section of the said Act of the Fifty-ninth Year of George the Third, Chapter One hundred and thirty-four, shall be transferred to and be vested in the Ecclesiastical Commissioners for England, and shall be deemed to be repeated 30 and incorporated herein, and, subject to such Consent and Notice as in the aforesaid Section is mentioned, may be used and applied by the said Ecclesiastical Commissioners in the Case of the Churchyard or Burial Ground of any Parish or District created or constituted pursuant to the Provisions of the said firstly and secondly recited 35 Acts or of this Act.

Freeholds of
Churches
and Burial
Grounds to
vest in
Incumbents.

XVIII. The Freehold of the Site of the Church of any new Parish created under this Act or the said firstly and secondly recited Acts, or of any Church or Chapel built pursuant to the said Church Building Acts, and of the Churchyard, Burial Ground, and Vaults belong- 40 ing thereto, with the Rights, Members, and Appurtenances thereof, and

and the House of Residence, with the Appurtenances thereof, and all the Lands, Tithes, Tenements, Hereditaments, and other Endowments belonging to such Church or Chapel, or held by or vested in any Person or Body Corporate in trust exclusively for or
 5 for the exclusive Benefit of the Incumbent of such Church or Chapel, shall become and be vested in such Incumbent and his Successors for ever, and be held and enjoyed by him and them in right of such Incumbency; and all Lands, Tenements, or Hereditaments granted or conveyed for the Site of any Church or Chapel, and upon which
 10 any Church or Chapel shall be built, or for a Burial Ground, shall from and after the Consecration of such Church and Burial Ground respectively remain and be freed from and discharged of all the Estate, Right, Title, Interest, Claim, and Demand of any Person, Body Politic or Corporate whatsoever, including Her present Majesty and
 15 Her Successors, unto or out of the same or any Part thereof respectively, subject nevertheless to any Rent that may be reserved thereout, and to the Covenants and Conditions subject to which the same may have been granted or conveyed.

XIX. It shall be lawful, immediately upon the *passing of this Act*,
 20 to publish Banns of Matrimony in every Church or Chapel to which a District shall have been assigned under the Church Building Acts, and, according to the Laws and Canons now in force in this Realm, to solemnize therein Marriages, Baptisms, Churchings, and Burials, and to require and receive such Fees upon the Solemnization of such
 25 Offices as are now fixed and payable, and where the same are not now fixed, then such Fees as shall be fixed by the Chancellor of the Diocese in which such District shall be situate, who is hereby empowered and required to fix the same accordingly; and all such Fees, as well as all the Mortuary and other Ecclesiastical Fees, Dues,
 30 Oblations, or Offerings arising within the Limits of such District, shall be payable to the Incumbent of such District, and shall be by him retained, or in case the same shall have been reserved to the Incumbent of the original Parish, District, or Place out of which such District shall have been taken, shall then be paid over, either wholly
 35 or in part, as the Case may be, to such last-named Incumbent, or to such Incumbent and his Successors, by the Incumbent of such District; and during the Time such Fees shall be so reserved a register shall be in the Vestry Room of such Church or Chapel, and Entries from Time to Time made therein of such Fees, and such
 40 Register shall be open for Inspection at all reasonable Times and Seasons; and the several Laws, Statutes, and Customs in force relating to the Publication of Banns of Matrimony, and to the Performance of Marriages, Baptisms, Churchings, and Burials, and the registering thereof respectively, and to the suing for and recovering of

Offices of the Church to be performed in all Churches or Chapels to which any District may have been assigned under the Church Building Acts.

Fees, Oblations, or Offerings in respect thereof, shall, when and as the same become payable to the Incumbent of such Church or Chapel, apply to such Church or Chapel and to the Incumbent thereof for the Time being: Provided always, that the Minister of such Parish or District shall not be entitled to require a Fee for the 5 Performance of any Baptism within his Parish, or for the Registration thereof.

Districts may become new Parishes upon Application of Incumbent and Churchwardens and Two Third Parts in Value of Inhabitants.

XX. Upon an Application made to the Ecclesiastical Commissioners by the Incumbent and acting Churchwardens or Chapelwardens (if any) of the Church or Chapel of any District, Chapelry, or Place 10 which shall not at the Time of the passing of this Act be a separate and distinct Parish, and of Two Third Parts in Value (such Value to be ascertained by an Average of the Rate of the Poor for the Three preceding Years) of the Occupiers of Messuages, Lands, and Tenements within the Limits of such District, Chapelry, or Place, it 15 shall be lawful, by the Authority aforesaid, and with the Consent of the Bishop, to declare such District, Chapelry, or Place a new and independent Parish for all Ecclesiastical Purposes; and the Church or Chapel of such District or Chapelry shall be the Church of such new Parish, and all and singular the Provisions of the said firstly and 20 secondly recited Acts (as amended by this Act) relative to new Parishes, upon their becoming such, and to the Matters and Things consequent thereon, and to the Patronage of the same, so far as such Patronage is liable to be affected by any Provisions relative thereto herein-after contained, and no further, shall extend and apply to the 25 said Parish and Church and the Patronage thereof as fully and effectually as if the same had become a new Parish under the Provisions of the said last-mentioned Acts; and in case it may be necessary, such new Parish shall be discharged from any Local Act affecting the same, in such Manner and to such Extent as shall be 30 specified as expedient in the Scheme for constituting the same.

Commissioners may direct Revenues belonging to or arising from Church of Mother Parish to be retained.

XXI. Upon any such District becoming a new Parish, or at any Time subsequent thereto, the Commissioners may, if they think fit, direct that all or any Portion of the Revenues or Endowments arising from or belonging to the Church of the original Parish out of which 35 such new Parish has been taken, and which may have been before applicable towards the Endowment of the Church of such new Parish, shall cease to be so applicable or to be received by the Incumbent thereof, anything contained in any Local Act to the contrary notwithstanding; and no new Parish formed under this Act shall be 40 subject or liable to a Rate for the Repair of the Church of the original Parish out of which the same shall be taken.

XXII. All

XXII. All the Laws and Regulations in any Act of Parliament now in force contained relative to the Constitution and Duties of Parish Vestries, so far as the same relate to Ecclesiastical Matters and Things, and to the Modes of Proceedings thereat, shall be applicable to
 5 the Vestries of all Parishes created pursuant to the Provisions of the said firstly and secondly recited Acts, or either of them, or this Act; and no Person being a Member of the Vestry of any Parish shall act in relation to any Ecclesiastical Matters or Things relating to any other Parish, or to the Church or Chapel of any other Parish, than that
 10 within which he shall reside, except he shall own Property within such other Parish sufficient to entitle him to vote at the Vestry thereof.

Existing Laws and Regulations respecting Vestries to apply to Vestries of new Parishes.

XXIII. Whenever upon any District becoming or having become a new Parish under this or the said Acts any of the Fees, Dues, Oblations, or Offerings arising within the Limits of such new Parish,
 15 or payable in respect of the Performance in the Church thereof of any of the Offices of the Church, shall, either wholly or in part, be or have been reserved or otherwise of Right belong to the then Incumbent of the original Parish, District, or Place out of which such new Parish shall be or shall have been taken, during his Incumbency, or to such
 20 Incumbent and his Successors, then and in every such Case such Fees, Dues, Oblations, or Offerings shall continue to be paid over by the Incumbent of such new Parish, either wholly or in part, according as the Custom has been, to the then Incumbent of such original Parish, District, or Place, during such his Incumbency as, herein-before directed;
 25 but from and after the First Avoidance of the Church or Chapel of such original Parish, District, or Place, all the Fees, Dues, Oblations, or Offerings arising within such new Parish that may lawfully be required, and no other, shall be paid to and shall wholly and entirely be retained by the Incumbent for the Time being of such new
 30 Parish, and shall be received and be recoverable by him in like Manner as the Incumbent for the Time being of the original Parish, District, or Place would have been entitled to receive and recover the same or any Part thereof in case the same had not been so transferred; and the Commissioners may, if required so to do, out of any
 35 Funds at their Control not specially applicable for any other Purpose, assign to the Incumbent and Clerk for the Time being of such original Parish, District, or Place such annual Sum as may appear to the Commissioners a just and reasonable Compensation for the Loss which such Incumbent may sustain by reason of the Transfer of such Fees,
 40 Dues, Oblations, or Offerings.

Reserved Fees to belong to original Incumbent until First Avoidance, then to the Incumbent of new Parish.

XXIV. Notwithstanding anything in the firstly-recited Act contained, the Incumbent for the Time being of the Church of every new Parish which shall have become such under the said Act shall be and
 [3.] B be

Style and Character of Ministers of new Parishes.

be styled the Vicar of the new Parish of, according to the Name fixed for the same as aforesaid, and as such shall in all respects be subject to the Jurisdiction of the Bishop and Archdeacon within whose Diocese and Archdeaconry such District shall be situate, and shall be subject to all Laws and Regulations for the Time being 5 in force respecting Presentation, Institution, Collation, Induction, Residence, the ceasing or Determination of Incumbency, and the holding of Ecclesiastical Preferment, and shall be a Body Politic and Corporate, and shall have perpetual Succession, by the Name and in the Character aforesaid, and may in such Name and Character, notwithstanding the Statutes of Mortmain, receive and take to him and his Successors as well every Grant of Endowment or Augmentation made or granted by the Authority aforesaid as also any Real or Personal Estate or Effects whatsoever which any Person or Persons or Body Corporate may give or grant to him according to Law. 10 15

6 & 7 Vict.
c. 37. s. 20.
extended.

XXV. The Provisions contained in the Twentieth Section of the said firstly-recited Act respecting the Assignment of the Right of Patronage, either in perpetuity or for One or more Nominations, in certain Cases, by the Authority therein referred to, shall apply to the Case of the Patronage of any Church or Chapel to which a District 20 shall have been assigned under the Church Building Acts, and the Patronage of which is vested by any of the Church Building Acts or by this Act in the Incumbent of the original Parish, District, or Place out of which such aforesaid District shall have been taken, by reason of his being such Incumbent, and not of any private Right, or 25 of any new Parish which shall hereafter be constituted under this Act, or of any existing Parish or District as to the Patronage of which there may be a Doubt, who can legally exercise the same, or of any Benefice the Value of which is under Twenty Pounds in the King's Books, and the Patronage of which is vested in the Crown, and may be 30 exercised by the Lord High Chancellor of Great Britain for the Time being, or by the Chancellor of the Duchy of Lancaster, or of any Benefice the Patronage of which is vested in any Ecclesiastical Corporation, aggregate or sole, provided that the permanent annual Endowment of such Benefices respectively shall not exceed Two 35 hundred Pounds per Annum: Provided always, that whenever it shall be proved to the Commissioners that any Church or Chapel to which a District shall have been assigned, and the Patronage of which is vested by any of the Church Building Acts or by this Act in the Incumbent of the original Parish, District, or Place out of which such 40 District has been taken, has been erected or partially endowed mainly through the Exertions of the existing Incumbent of such original Parish, such Incumbent shall not be deprived of the Patronage of such Church, by any Assignment of the same during his Incumbency, without his Consent.

XXVI. An

XXVI. An Endowment or Augmentation provided by some one or other of the Modes and in the Proportion following, provided the Commissioners shall think fit to accept the same, shall be sufficient for the Assignment by the Authority aforesaid of such Patronage in perpetuity :

Patronage may be conferred upon Contributors to Endowment, or their Nominees, upon certain Considerations.

I. The building a Church as and for the Church of such District, in case there shall be no Church at that Time situate therein and belonging thereto, and providing for the permanent Endowment of such Church a clear yearly Sum of not less than *Forty Pounds* :

II. The permanently endowing the Church or Chapel of such Parish, District, or Benefice with a clear yearly Sum of not less than *One hundred and fifty Pounds* :

III. The permanently endowing the Church or Chapel of such Parish, District, or Benefice with a clear yearly Sum of not less than *One hundred Pounds*, and building or providing, in addition, upon a Plan to be approved by the Commissioners, a Parsonage House, to be held and enjoyed as and for the House of Residence of the Incumbent for the Time being of such Church or Chapel :

And such annual and Principal Sums respectively shall arise and be secured in such Manner as shall be approved of by the said Commissioners ; provided that in lieu of such annual Sums respectively the Commissioners may accept and shall invest such Principal Sums as at the current Rate of Interest on Money invested in the Public Funds would yield the respective annual Sums hereby required to be provided.

XXVII. Such Assignment shall be made in the following Case with the following Consents only ; that is to say, in the Case of a Benefice in the Patronage of the Lord High Chancellor of Great Britain, or the Chancellor of the Duchy of Lancaster for the Time being respectively, with the Consent of the Crown ; in the Case of a Benefice in the Patronage of a Bishop, with the Consent of the Archbishop of the Province ; in the Case of a Benefice in the Patronage of any Ecclesiastical Corporation Aggregate, or of an Incumbent of any Benefice, with the Consent of the Bishop of the Diocese ; in the Case of a Benefice in the Patronage of a Canon or Prebendary, with the Consent of the Patron of such Canonry or Prebend respectively.

Assignment of Patronage to be made with certain Consents.

XXVIII. When the Commissioners shall intend to make any such Assignment as aforesaid, they shall give Notice in Writing of such Intention to the Patron or Patrons of such Benefices, and shall not proceed to make such Assignment until after the Expiration of Three Months from the Date of such Notices being sent ; and no such Assignment shall be made to any other Body or Person whatsoever,

Notices to be sent to Patrons.

whenever such Patron or Patrons shall, within the above-mentioned Period, undertake to provide a permanent Endowment or Augmentation in one or other of the Modes heretofore mentioned, to the Satisfaction of the said Commissioners.

Who to be
deemed
Patrons.

XXIX. The Provisions of an Act passed in the Session holden in 5 the First and Second Years of Her Majesty, Chapter One hundred and six, relative to the Party or Parties who shall be deemed the Patron or Patrons of the Benefices therein mentioned, shall be applicable for the Purposes of this Act.

Patronage
not to be
sold.
Penalty of
Lapse for so
doing.

XXX. Whenever the Right of Patronage of any such before- 10 mentioned Benefice with Cure of Souls shall, pursuant to the foregoing Provisions of this Act, have become vested in perpetuity in any Body or Person by reason of such Body or Person having augmented the Endowment of such Benefice in such adequate Manner as is hereinbefore mentioned, and whenever such Benefice shall, at the Time of 15 such Transfer of Patronage, be already permanently endowed with an annual Sum of not less than *Forty Pounds*, no subsequent Sale or Assignment or other Disposition of such Patronage by any Body or Persons whatsoever, for any valuable Consideration whatever, shall be made until after the Two Nominations to such Benefice, 20 Church, or Chapel next following upon such Assignment, but every such Sale, Assignment, or other Disposition of such Patronage shall be illegal, and every Presentation, Collation, Admission, Institution, or Induction thereupon shall be void, and the Right of Patronage of such Benefice shall thereupon for Two Nominations lapse to the Bishop. 25

Patronage
may be vested
in certain
Cases in
Incumbent
of original
Parish.

XXXI. Upon the Constitution of a new Parish under the said Acts or this Act, it shall be lawful for the Commissioners, in the meantime and until the Conditions of the said Acts or of this Act relating to the Assignment of the Patronage of the Church of such new Parish in consideration of an Endowment provided for the same 30 shall have been complied with, and subject to the Conditions relating thereto herein contained, to assign such Patronage, if they shall see fit, to the Incumbent of the original Parish out of which such new Parish shall have been taken, and if such Parish shall have been formed out of more than One Parish, then to one or other of the 35 Incumbents of such Parishes as they shall think fit, anything contained in the Twenty-first Section of the first-recited Act to the contrary notwithstanding.

Lands,
Tithes, &c.
and other
Endowments

XXXII. All Endowments, of whatever Form and Character, which shall hereafter be provided for any Parish, District, or Benefice, and 40 the Church or Chapel thereof, under the Provisions of the said firstly and

and secondly recited Acts or of this Act, shall be settled and assured by the Body or Person providing the same, free from Incumbrances, by such Deed or Deeds and in such Manner as the Commissioners shall from Time to Time direct, unto and to the Use of the Incumbent
5 for the Time being of the Church or Chapel of such Parish, District, or Benefice, and his Successors for ever, or in case such Church or Chapel should then be vacant of an Incumbent, to the Bishop of the Diocese and his Successors, in trust for such Incumbent and his Successors for ever, when such Incumbent shall be admitted or licensed;
10 and such Deed or Deeds shall be confirmed by the Commissioners under their Corporate Seal, and entered in the Registry of the Diocese in which such Parish, District, or Benefice shall be situate, and shall be enrolled in Her Majesty's High Court of Chancery within *Six* Months from the Date of the Execution of the same, and when so made,
15 confirmed, and enrolled shall be valid and effectual in Law to all Intents and Purposes, whether such Church or Chapel shall be vacant or full of an Incumbent, and notwithstanding the Statute of Mortmain, or any other Law or Statute whatsoever.

to vest in Incumbent and his Successors.

XXXIII. Wherever any Body and Person, or Two or more Bodies
20 and Persons respectively, shall have joined in erecting and endowing any Church or Chapel, or in endowing or augmenting the Endowment of any Church or Chapel already erected, in pursuance of the foregoing Provisions of this Act, the Patronage of such Church or Chapel, as far as regards the Right thereto of such Bodies or Persons aforesaid,
25 shall by such Deed of Endowment, made, confirmed, or enrolled as aforesaid, be vested in Trustees who shall be Members of the United Church of England and Ireland, and not more than Five in Number, to be for that Purpose named in such Deed of Endowment by the said Bodies or Persons so joining in erecting, endowing, or augmenting
30 such Endowment as aforesaid, or by the major Part in Value of the Subscribers thereto respectively of not less than Fifty Pounds; and such Trustees shall, as regards such Bodies and Persons aforesaid, be the Patrons of such Church or Chapel, and upon every Vacancy thereof shall present or nominate thereto, or shall participate in the
35 Patronage thereof upon alternate or other Vacancies, together with the former Patrons or Patron thereof (if any), as the Case may be, according as shall be directed and settled in and by the Deed of Endowment, and in default of any such Direction and Settlement, according as the Commissioners shall determine.

When several join in building or endowing, Patronage to be vested in Trustees.

40 XXXIV. Every Trustee to be appointed in pursuance of the foregoing Provision shall, upon his Appointment, and as often as he exercises or concurs in exercising the Right of Nomination or Presentation, sign a Declaration that he is a Member of United Church
[3.] B 3 of

Appointment of Trustees, &c.

of England and Ireland; and all Vacancies which shall from Time to Time occur in the Number of such Trustees, from Death, Resignation, or Inability or Refusal to act, shall be filled up in such Manner as by the said Deed of Endowment shall be provided; and if it shall happen that all the Trustees for the Time being shall die without having (in 5 pursuance of any such Power in the said Deed of Endowment) appointed any other Trustees or Trustee as their Successors, or in case any Vacancy in the Number of such Trustees shall not be filled up for the Space of *One Year* from the Date of such Vacancy occurring, then and in either Case it shall be lawful for the Bishop of the Diocese 10 to nominate, appoint, or complete the Number of Trustees by the said Deed of Endowment required; and every such Appointment, whether made in pursuance of the said Deed of Endowment or by the Bishop, shall be valid and effectual for the Purpose of conveying the Right of Nomination; and during any Vacancy or Vacancies in the 15 Office of Trustee the remaining or continuing Trustees or Trustee for the Time being shall be capable of acting, as fully and effectually as if such Vacancy or Vacancies had been duly filled up: Provided always, that the Patronage of any such Church or Chapel shall not at any Time be vested in or held in trust by more than Five Persons, except 20 where such Patronage passes by Descent to Coparceners, or by the Custom of Gavelkind to more than Five Persons, or is conveyed by Will or Deed to more than Five Children, Grandchildren, Nephews, or Nieces of the Grantor or Devisor.

Parishes
may be di-
vided with
certain
Consents.

XXXV. It shall be lawful for the Commissioners by the Authority 25 aforesaid, and subject to such Consents as are herein-after mentioned, to divide any Parish into Two or more distinct and separate Parishes for all Ecclesiastical Purposes whatsoever, and to fix and settle the respective Proportion of Tithes, Glebe Lands, and other Endowments which shall arise, accrue, remain, and be within each of 30 such respective Divisions, according as by the like Authority shall be deemed advisable; and the Order made by Her Majesty in Council, ratifying the Scheme for such Division, shall be good and valid in Law for the Purpose of effecting the same; and such Scheme shall set forth the particular Expediency of such Division, and how far it may be 35 necessary in consequence thereof to make any Alteration in Ecclesiastical Jurisdiction, and how the Changes consequent upon such Division in respect of Patronage, Rights of Pew Holders, and other Rights and Privileges, Glebe Lands, Tithes, Rentcharges, and other Ecclesiastical Dues, Oblations, Offerings, Rates, and Payments, may be made with 40 Justice to all Parties interested; and such Scheme shall also contain such Directions and Regulations relative to the Duties and Character of the Incumbents of the respective Divisions of such Parish, and to the Performance of the Offices and Services of the Church in the respective

tive Churches thereof, and to the Fees to be taken for the same respectively, and to any other Matter or Thing which may be necessary or expedient by reason or in consequence of such Change: Provided always, that such Division shall be made in the following Cases with the
5 following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Lord High Chancellor of Great Britain for the Time being, with the Consent of the Crown; in the Case of a College, with the Consent of the Visitor; in the Case of a Bishop, with the Consent of the Archbishop of the Province; in the Case of a Dean or a
10 Dean and Chapter, with the Consent of the Bishop of the Diocese; in the Case of a Canon or Prebendary, with the Consent of the Patron of such Canonry or Prebend respectively; and in the Case of a Benefice in private Patronage, with the Consent of the Patron thereof: And provided also that no such Division shall take effect until after the
15 First Avoidance then next ensuing of the Church of the Parish to be so divided, unless with the Consent in Writing of the actual Incumbent thereof.

XXXVI. In Cases where any Parish shall have been divided into Two or more distinct and separate Parishes, or where any District or
20 new Parish shall have been constituted or formed out of any Parish, District, or Place, pursuant to the Provisions of the said Church Building Acts, and the said firstly and secondly recited Acts, or either of them, or of this Act, it shall be lawful, by the Authority aforesaid, and with the Consent of the respective Patrons and Incum-
25 bents of such distinct and separate Parishes, or of such Parish, District, or Place, as the Case may be, to make a Separation and Division of the Glebe Lands, Tithes, Rentcharges, and other Endowments belonging to such distinct and separate Parishes, or to such Parish, District, or Place, and to annex and resettle the same to and
30 for the Benefit of such distinct and separate Parishes, or of such Parish, District, or Place, and the District or new Parish constituted or taken thereout, as the Case may be, in such Manner and Proportions as by the Authority aforesaid may be deemed expedient, and to make such Regulations and Arrangements as may be requisite for
35 effectually completing such Division and Settlement as aforesaid; and upon every such Resettlement of Endowments, whenever the whole of the Ecclesiastical Dues arising within the Limits of any Parish, District, or Place, or any Prædial or Rectorial Tithe shall become and be made payable to the Incumbent of such Parish, District, or Place,
40 such Parish, District, or Place shall thereupon become and be a Rectory, and such Incumbent the Rector thereof, anything hereinbefore contained to the contrary notwithstanding.

In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made.

Another Church may be substituted for the old Parish Church, with certain Emoluments and Endowments transferred.

XXXVII. It shall be lawful, by the Authority aforesaid, with the Consent of the Bishop of the Diocese, of the Patron, and of the Vestry of the Parish Church of any ancient or distinct Parish, to direct that any other Church or Chapel within the original Limits and Boundaries of such Parish shall, with the Consent of the Patron thereof, become 5 and be the Parish Church of such Parish in the Stead of the ancient Parish Church, whether such Church or Chapel shall then be the Church or Chapel of a District or not, and to direct such Transfer or Exchange of Rights, Privileges, Dues, Emoluments, and Endowments to be made, and such other Matters and Things to be done and per- 10 formed as may be necessary to carry out and complete such Change, and if such Church or Chapel shall be the Church or Chapel of a District, then to re-arrange the Bounds of such District, if necessary, and such other Church or Chapel shall thereupon become and be the Parish Church of such Parish, and such former Parish Church shall 15 become and be a District Church, or a Chapel, with or without a District, according as by the Authority aforesaid shall be directed; and the Incumbent of such former Parish Church shall become and be the Incumbent of such new Parish Church without any Presentation, Institution, or Induction, or other Form of Law whatever, and the Scheme to be prepared by the Commissioners for effecting such Substitution shall set forth the Expediency of and the best Mode of accomplishing the same; and such Scheme shall also contain such Directions and Regulations relative to the several Matters and Things which are herein-before mentioned and required to be set 25 forth in the Scheme for the Division of a Parish in Two or more distinct and separate Parishes, or as near thereto as the different Natures of the Cases will permit, or to any other Matter or Thing which may be necessary or expedient by reason or in consequence of such Substitution: Provided always, that the Order in Council 30 ratifying the Scheme for such Substitution as aforesaid shall not come into operation until after the First Avoidance of the ancient Parish Church, or until after the First Avoidance of such Church or Chapel proposed to be substituted for such ancient Parish Church, in either Case then next ensuing, unless with the Consent in Writing of the 35 actual Incumbents thereof; such Scheme may nevertheless be prepared and ratified notwithstanding the Vacancy of any Church affected thereby.

Churches and Chapels without Districts to be served by Incumbents of the Parish in which they are situate, or by Person appointed by Incumbent.

XXXVIII. Every Church or Chapel (other than proprietary or private Chapel) within the Extent of this Act to which no District 40 shall have been assigned under the said Church Building Acts or any of them, or which shall have no District legally or of Right belonging thereto, shall be held by the Incumbent for the Time being of the Parish in which such Church or Chapel may be situate, and shall be served by him, or by some Spiritual Person appointed by him. 45

XXXIX. Nothing

XXXIX. Nothing herein contained shall be construed to affect or alter the Provisions of the Parish of Manchester Division Act, 1850, or, until Parliament shall otherwise determine, to affect or alter any Rights, Privileges, or Liabilities whatsoever, ecclesiastical or civil, of any Parish, District, or Place, except as is herein expressly provided.

Saving of Parish of Manchester Division Act, 1850, and other Parochial Rights, except as expressly provided.

XL. All the Powers and Authorities vested in Her Majesty in Council and the Ecclesiastical Commissioners for England by an Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, and by an Act of the Fourth and Fifth Years of Her Majesty, Chapter Thirty-nine, with reference to the Matters therein contained, and all other the Provisions of the same Acts relative to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued and extended, and shall apply to Her Majesty in Council, and to the Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively with reference to all Matters contained in this Act as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein.

Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act.

XLI. In the Construction of this Act, except where the Context or other Provisions of the Act may require a different Construction :

Interpretation of Terms.

The Expression " Church Building Acts " shall mean and include all or any of the Acts recited and designated in the Schedule to this Act :

The Word " Commissioners " shall mean the Ecclesiastical Commissioners for England :

The Expression " Church Building Commissioners " shall mean Her Majesty's Commissioners for Building New Churches :

The Expression " Parish, District, or Place, " shall mean and include any ancient or distinct and separate Parish, District, Parish, Chapelry, District Chapelry, Consolidated Chapelry, or Extra-parochial Place ; and the Word " Extra-parochial Place " shall include any Township, Vill, Village, or Hamlet, being extra-parochial :

The Expression " Ecclesiastical Corporation " shall include every Archbishop, Bishop, Dean and Chapter, or Member of any Cathedral or Collegiate Church in England or Wales, but shall not include any other College or Hospital, or any Parson, Vicar, or Perpetual Curate, or other Incumbent of any Benefice :

The Word " Lands " shall extend to and include Manors, Messuages, Buildings, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure and Description :

The Word " Tithes " shall mean and include all commuted and uncommuted Rentcharges in lieu of Tithes, Portions and Parcels

cels of Tithe, and all Moduses, Compositions, Prescriptive and Customary Payments :

The Expression "Body or Person" shall mean and include any Body Politic, Corporate, or Collegiate, the Trustees, Guardians, Commissioners, or other Persons having the Control, Care, or 5 Management of any Hospital, School, or Charitable Foundation, and any Corporation, aggregate or sole, as well as One Person :

The Word "Bishop" shall include Archbishop :

The Word "Vestry" shall mean the Inhabitants in Vestry assembled :

And every Church or Chapel referred to in this Act shall be deemed to be in the Diocese of the Bishop within the Limits of whose Diocese the East End of such Church or Chapel may be situate. 10

Extent of
Act.

XLII. This Act shall extend only to that Part of the United Kingdom called England and Wales, and to the Isle of Man, and to the Islands of Guernsey, Jersey, Alderney, and Sark, and to the Scilly Islands. 15

SCHEDULE referred to in this Act.

CHURCH BUILDING ACTS.

- An Act of the Fifty-eighth Year of King George the Third, Chapter Forty-five. 58 G. 3. c. 45.
- An Act of the Fifty-ninth Year of King George the Third, Chapter One hundred and thirty-four. 59 G. 3. c. 134.
- An Act of the Third Year of King George the Fourth, Chapter Seventy-two. 3 G. 4. c. 72.
- An Act of the Fifth Year of King George the Fourth, Chapter One hundred and three. 5 G. 4. c. 103.
- An Act of the Session holden in the Seventh and Eighth Years of King George the Fourth, Chapter Seventy-two. 7 & 8 G. 4. c. 72.
- An Act of the Session holden in the First and Second Years of King William the Fourth, Chapter Thirty-eight. 1 & 2 W. 4. c. 38.
- An Act of the Session holden in the Second and Third Years of King William the Fourth, Chapter Sixty-one. 2 & 3 W. 4. c. 61.
- An Act of the Session holden in the Seventh Year of King William the Fourth and the First Year of Her Majesty, Chapter Seventy-five. 7 W. 4. and 1 Vict. c. 75.
- An Act of the Session holden in the First and Second Years of Her Majesty, Chapter One hundred and seven. 1 & 2 Vict. c. 107.
- An Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-nine. 2 & 3 Vict. c. 49.
- An Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter Sixty. 3 & 4 Vict. c. 60.
- An Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Fifty-six. 7 & 8 Vict. c. 56.
- An Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter Seventy. 8 & 9 Vict. c. 70.
- An Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Sixty-eight. 9 & 10 Vict. c. 68.
- An Act of the same Session, Chapter Eighty-eight. 9 & 10 Vict. c. 88.
- An Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Thirty-seven. 11 & 12 Vict. c. 37.
- An Act of the same Session, Chapter Seventy-one. 11 & 12 Vict. c. 71.
- An Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Ninety-seven. 14 & 15 Vict. c. 97.

Formation, &c. of Parishes.

A

BILL

To facilitate the Formation and Endowment of separate and distinct Parishes.

(*Prepared and brought in by
The Marquis of Blandford and Viscount Ebrington.*)

*Ordered, by The House of Commons, to be Printed,
4 February 1856.*

[Bill 3.]

Under 3 c.

Formation, &c. of Parishes Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

As to Formation of Parishes or Districts, and Sites for Churches.

Preamble.

Commissioners may constitute a new Parish, whether it contains a Church within its Limits or not; Sect. 1.

District containing a Church to become a new Parish on being constituted a separate District by Order in Council; 2.

Endowment according to 6 & 7 Vict. c. 37. s. 9. may be modified; 3.

Provisions of 6 & 7 Vict. c. 37. s. 22. to apply to Ecclesiastical and Collegiate Corporations; 4.

As to Pew Rents.

Right to Pews in the old Parish Church not to be retained after Occupation of Sittings in the new; 5.

Pew Rents may be taken according to Scale, and applied towards Repair of Church and Endowment; 6.

Upon permanent Endowment of any Church or Chapel, a proportionate Number of Sittings to be declared free, or Scales of Pew Rents to be reduced; 7.

Scale of Pew Rents may be altered; 8.

As to Churchyards, Vaults, and Burials.

Voluntary Contributions may be appropriated to Maintenance of Minister or Services; 9.

Clerk and Sexton to be appointed by Incumbent; 10.

Power to alter Fences in Churchyards and turn Footpaths according to 59 Geo. 3. c. 134. s. 39;—11.

Freeholds of Churches and Burial Grounds to vest in Incumbents; 12.

Performance of the Offices of the Church.

Offices of the Church to be performed in all Churches or Chapels, on Application of the Incumbent; 13.

Reserved Fees to belong to original Incumbent until First Avoidance, then to the Incumbent of new Parish; 14.

Provisions of 19th Section of 6 & 7 Vict. c. 37. extended; 15.

Districts may become separate and distinct Parishes; 16.

Incumbent of new Parish to have exclusive Cure of Souls therein ; 17.

As to Districts becoming new Parishes.

Commissioners may direct Revenues belonging to or arising from Church of Mother Parish to be retained ; 18.

Style and Character of Ministers of new Parishes ; 19.

As to Patronage and Endowment.

6 & 7 Vict. c. 37. s. 20. extended ; 20.

Patronage may be conferred upon Contributors to Endowment or their Nominees, upon certain Considerations ; 21.

Assignment of Patronage to be made with certain Consents ; 22.

Notices to be sent to Patrons ; 23.

Who to be deemed Patrons ; 24.

Patronage not to be sold ; Penalty of Lapse for so doing ; 25.

Patronage may be vested in certain Cases in Incumbent of original Parish ; 26.

Lands, Tithes, &c., and other Endowments, to vest in Incumbent and his Successors ; 27.

As to Trustees for the Exercise of Patronage.

Appointment of Trustees, &c. ; 28.

As to Division of Parishes and Resettlement of Endowments.

Parishes may be divided, with certain Consents ; 29.

In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made ; 30.

Parish of Manchester Division Act.

Saving of Parish of Manchester Division Act, 1850, and other Parochial Rights, except as expressly provided ; 31.

Extension of Powers.

Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act ; 32.

Interpretation Clause.

Interpretation of Terms ; 33.

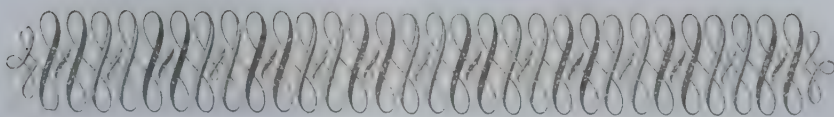
Extension of Act.

Extent of Act ; 34.

Short Title of 6 & 7 Vict. c. 37., 7 & 8 Vict. c. 94., and this Act ; 35.

SCHEDULE.

14 March 1856. 19 VICT.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Facilitate the Formation and Endowment of
separate and distinct Parishes.

[Note.—The Clauses marked A. to G. were inserted by the Select
Committee.]

WHEREAS it is expedient to afford increased Facilities for Preamble.
the Subdivision of populous Districts, and for the For-
mation thereof of separate and distinct Parishes for all
Ecclesiastical Purposes, and also to make better Provision for the En-
5 dowment and Augmentation of poor Livings in England and Wales :
And whereas by an Act passed in the Sixth and Seventh Years of Her 6 & 7 Vict.
Majesty, Chapter Thirty-seven, and by another Act passed in the c. 37. s. 9.
Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, the 7 & 8 Vict.
Ecclesiastical Commissioners for England are empowered, in the Case of c. 94.
10 Parishes, Chapelries, and Districts of great Extent and containing a large
Population, to constitute any Part or Parts thereof a separate District
for Spiritual Purposes, such District not at the Time of so constituting
the same containing within its Limits any consecrated Church or
Chapel, and it is expedient that the Provisions of the said Act relative
15 thereto, and to the Matter and Things consequent thereon, should be
extended and amended in manner following : Be it therefore enacted
by the Queen's most Excellent Majesty, by and with the Advice and
[Bill 72.] A Consent

Commission-
ers may con-
stitute a new
Parish,
whether it
contains a
Church
within its
Limits or
not.

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: That—

I. It shall be lawful to constitute Districts under the Provisions of the said Acts, notwithstanding that there may be within the Limits of 5 any such District a consecrated Church or Chapel, any Local Act to the contrary notwithstanding.

District con-
taining a
Church to
become a
new Parish
on being
constituted
a separate
District by
Order in
Council.

II. It shall be lawful for the Commissioners, in the Scheme for constituting any District, to specify some existing or intended Church as the Parish Church of such District, and immediately upon the 10 issuing of the Order of Her Majesty in Council ratifying such Scheme such District shall become and be a new Parish, and such Church the Church thereof, and the Incumbent of such Church the Incumbent thereof, in the same Manner, and to the same Extent, to all Intents and Purposes, as is contemplated with respect to new Parishes formed 15 under the said Acts, and to the Churches and Incumbents thereof respectively; and the Incumbent of such Church shall be liable to the Performance of all Pastoral Duties within the Limits of such new Parish.

Endowment
according to
6 & 7 Vict.
c. 37. s. 9.
may be
modified.

III. It shall be lawful to recommend the Constitution of such Dis- 20 trict without providing in the Scheme for the same the permanent Endowment required by the Ninth Section of the first-recited Act, if it shall appear to the Commissioners, and shall be declared in the said Scheme, that there is Reason to expect from other Sources an adequate Maintenance for the Incumbent. 25

Provisions of
6 & 7 Vict.
c. 37. s. 22.
to apply to
Ecclesiastical and
Collegiate
Corpora-
tions.

IV. The Powers and Provisions contained in the Twenty-second Section of the said first-recited Act, enabling any Person or Body Corporate to give and grant Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, for the Purposes of the said Act, shall be construed and held to authorize any Ecclesiastical or Collegiate 30 Corporation, aggregate or sole, to give or grant any Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, belonging to such Corporation, in such Manner as is in the said firstly and secondly recited Acts mentioned, for the Purposes of the said recited Acts or of this Act: Provided always, that the said Powers shall not be 35 exercised by the Incumbent of any Benefice with Cure of Souls without the Consent of the Patron of such Benefice.

Right to
Pews in the
old Parish
Church not

V. No Person resident within the Limits of any new Parish or District already formed under any of the Church Building Acts, or hereafter to be formed under the Provisions of the said Acts of the 40 Sixth

Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, and the Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, or of this Act, who shall occupy or shall have claimed and have had assigned to him a Pew or Sitings in the Church of such new Parish, 5 shall thereafter retain any Right to a Pew or Sitings in the Church of the original Parish or other Ecclesiastical District out of which such Parish shall have been taken, unless such last-mentioned Pew or Sitings be held by Faculty or under an Act of Parliament.

to be re-
tained after
Occupation
of Sitings
in the new.

VI. It shall be lawful for the Commissioners, if it shall appear to 10 them that sufficient Funds cannot be provided from other Sources, but not otherwise, with the Consent of the Bishop of the Diocese under his Hand, to order and declare by an Instrument in Writing under their Common Seal that annual Rents may be reserved and taken in respect of any Pews or Sitings in any Church to or for 15 which a District may hereafter be assigned under the Provisions of the said recited Acts or of this Act, and such Rents shall be charged, levied, and taken by the Churchwardens for the Time being of such Church after a Rate or Scale which shall be specified in such Instrument, and the Proceeds shall be applied towards the Repair and 20 Maintenance of the same Church, and the Maintenance of the Minister and the Services thereof, and the Endowment of such Church, in such Manner as shall be specified in such Instrument, and to no other Uses: Provided always, that One Half Part at least of the whole Number of Pews or Sitings in such Church shall 25 be Free Sitings, and shall with respect to Position and Convenience be as advantageously situated as those for which a Rent may be fixed and reserved.

Pew Rents
may be taken
according to
Scale, and
applied to-
wards Repair
of Church
and Endow-
ment.

VII. Upon a permanent Endowment being provided for any Church in which Pew Rents have previously been authorized to be 30 taken, and upon such Endowment being approved by the Commissioners, they may thereupon, under such an Instrument under their Common Seal as is herein-before mentioned, with the Consent of the Bishop of the Diocese, make an equivalent Reduction in the total Amount of the Rents authorized to be taken for the Pews or Sitings 35 in such Church, either by a Reduction of the Rate or Scales, or by declaring certain specific Pews or Sitings theretofore chargeable with the Rents to be absolutely free: Provided always, that if any Sum or Sums of Money have been borrowed under the Authority of any Act of Parliament or Order in Council upon the Security of Pew 40 Rents such Instrument shall not take effect until after the Repayment of all Sums so charged or chargeable.

Upon per-
manent
Endowment
of any
Church or
Chapel a pro-
portionate
Number of
Sitings to
be declared
free, or Scale
of Pew
Rents to be
reduced.

Scale of Pew
Rents may
be altered.

VIII. It shall be lawful for the said Commissioners, with the like Consent of the Bishop, from Time to Time or at any Time, to rescind the whole or any Part of the Provisions contained in any Instrument such as aforesaid which may be in force; but no Alteration affecting the Emoluments of the Incumbent of any Church shall take effect until the next Avoidance of the Benefice, unless with his Consent in Writing. 5

CLAUSE A
Voluntary
Contribu-
tions may be
appropriated
to Mainte-
nance of
Minister or
Services.

IX. It shall be lawful for the Commissioners, with Consent of the Bishop, to direct that the Alms or voluntary Contributions of the Congregation, or any Part of them not otherwise specifically appropriated, 10 collected in the Church at the Time of Divine Service or otherwise, shall be applicable, in such Manner and Proportions as they shall declare, to the Maintenance of the Minister or Services of the Church.

Clerk and
Sexton to be
appointed by
Incumbent.

X. The Parish Clerk and Sexton of the Church of any Parish 15 constituted under the said recited Acts or this Act shall and may be appointed by the Incumbent for the Time being of such Church, and be by him removable, with the Consent of the Bishop of the Diocese, for any Misconduct.

Power to
alter Fences
in Church-
yards, and
turn Foot-
paths accord-
ing to 59G.3.
c. 134. s. 39.

XI. The Powers and Authorities vested in the Church Build- 20 ing Commissioners by the Thirty-ninth Section of the said Act of the Fifty-ninth Year of George the Third, Chapter One hundred and thirty-four, shall be transferred to and be vested in the Ecclesiastical Commissioners for England, and shall be deemed to be repeated and incorporated herein, and, subject to such Consent and Notice 25 as in the aforesaid Section is mentioned, may be used and applied by the said Ecclesiastical Commissioners in the Case of the Churchyard or Burial Ground of any Parish or District created or constituted pursuant to the Provisions of the said firstly and secondly recited Acts or of this Act. 30

Freeholds of
Churches
and Burial
Grounds to
vest in
Incumbents.

XII. The Freehold of the Site of the Church of any new Parish created under this Act or the said firstly and secondly recited Acts, or of any Church or Chapel built pursuant to the said Church Building Acts, and of the Churchyard, Burial Ground, and Vaults belonging thereto, with the Rights, Members, and Appurtenances thereof, 35 and the House of Residence, with the Appurtenances thereof, and all the Lands, Tithes, Tenements, Hereditaments, and other Endowments belonging to such Church or Chapel, or held by or vested in any Person or Body Corporate in trust exclusively for or for the exclusive Benefit of the Incumbent of such Church or Chapel, 40 shall become and be vested in such Incumbent and his Successors for ever,

ever, and be held and enjoyed by him and them in right of such Incumbency ; and all Lands, Tenements, or Hereditaments granted or conveyed for the Site of any Church or Chapel, and upon which any Church shall be built, or for a Burial Ground, shall from and
 5 after the Consecration of such Church and Burial Ground respectively remain and be freed from and discharged of all the Estate, Right, Title, Interest, Claim, and Demand of any Person, Body Politic or Corporate whatsoever, including Her present Majesty and Her Successors, unto or out of the same or any Part thereof respectively,
 10 tively, subject nevertheless to any Rent that may be reserved thereout, and to the Covenants and Conditions subject to which the same may have been granted or conveyed.

XIII. From and after the Commencement of this Act, the Commissioners may, if they shall think fit, upon Application of the Incumbent
 15 of any Church or Chapel to which a District shall belong, make an Order, under their Common Seal, authorizing the Publication of Banns of Matrimony and the Solemnization therein of Marriages, Baptisms, Churchings, and Burials, according to the Laws and Canons now in force in this Realm ; and all the Fees payable for the Perform-
 20 ance of such Offices, as well as all the Mortuary and other Ecclesiastical Fees, Dues, Oblations, or Offerings arising within the Limits of such District, shall be payable and be paid to the Incumbent of such District.

CLAUSE B.
 Offices of the Church to be performed in all Churches or Chapels, on Application of the Incumbent.

XIV. In every Case in which all or any Part of the Fees or other Ecclesiastical Dues arising within the Limits of any District, or payable in respect of Marriages, Baptisms, Churchings, and Burials in the Church or Chapel thereof, shall have been reserved or otherwise of right belong to the Incumbent of the original Parish, District, or Place out of which the District of such Church or Chapel shall have
 30 been taken, or to the Clerk thereof, an Account of such Fees shall be kept by the Incumbent of such Church or Chapel, who is hereby required to receive and every Three Months pay over the same to the Incumbent and Clerk respectively who would have been entitled to them in case such Districts had not been formed ; and from and
 35 after the next Avoidance of such Incumbency, and after the Situation of such Clerk shall have become vacant, such Reservation shall altogether cease and determine ; and all such Fees and Dues shall belong to the Incumbent of the District within which the same shall arise, or to the Clerk of the Church thereof.

CLAUSE C.
 Reserved Fees to belong to original Incumbent until First Avoidance, then to the Incumbent of new Parish.

XV. The Provisions contained in the Nineteenth Section of the Sixth and Seventh Victoria, Chapter Thirty-seven, relating to Compensation to be given as therein mentioned, shall be applicable to and

CLAUSE D.
 Provisions of 19th Section of 6 & 7 Vict. c. 37. extended.

may be exercised by the Commissioners in like Manner with respect to Persons affected by the Provisions of this Act.

CLAUSE E.
Districts
may become
separate and
distinct
Parishes.

XVI. Wheresoever Banns of Matrimony and the Solemnization of Marriages, Churchings, and Burials according to the Laws and Canons in force in this Realm are or may be authorized to be published and performed in any consecrated Church or Chapel to which a District shall belong, and the Incumbent of which is by such Authority entitled for his own Benefit to the entire Fees arising from the Performance of such Offices without any Reservation thereout, such District or Place shall become and be a separate and distinct Parish for Ecclesiastical Purposes, such as is contemplated in the Fifteenth Section of the first-recited Act, and the Church or Chapel of such District shall be the Church of such Parish, and all and singular the Provisions of the said firstly and secondly recited Acts (as amended by this Act) relative to new Parishes, upon their becoming such, and to the Matters and Things consequent thereon, and to the Patronage of the same, shall extend and apply to the said Parish and Church and the Patronage thereof, as fully and effectually as if the same had become a new Parish under the Provisions of the said last-mentioned Acts.

CLAUSE F.
Incumbent
of new Pa-
rish to have
exclusive
Cure of Souls
therein.

XVII. The Incumbent of every new Parish constituted or hereafter to be constituted pursuant to the Provisions of the said firstly and secondly recited Acts or of this Act shall have sole and exclusive Cure of Souls within the Limits of the same, and the resident Inhabitants therein shall for all Ecclesiastical Purposes be Parishioners thereof, and of no other Parish, and such new Parish shall, for the like Purposes, have and possess all and the same Rights and Privileges, and be affected with such and the same Liabilities, as are incident or belong to a distinct and separate Parish.

Commission-
ers may
direct Reve-
nues belong-
ing to or
arising from
Church of
Mother
Parish to be
retained.

XVIII. Upon and after any District becoming a new Parish, the Commissioners may, if they think fit, in any Scheme to be prepared for that Purpose, direct that all or any Portion of the Revenues or Endowments arising from or belonging to the Church of the original Parish out of which such new Parish has been taken, and which may have been before applicable towards the Endowment of the Church of such new Parish, shall cease to be so applicable, or they may apportion the same, anything contained in any Local Act to the contrary notwithstanding.

Style and
Character of
Ministers of
new Pa-
rishes.

XIX. Notwithstanding anything in the firstly-recited Act contained, the Incumbent for the Time being of the Church of every new Parish

Parish which shall have become such under the said Act shall be and be styled the District Rector of the new Parish of _____, according to the Name fixed for the same as aforesaid, and as such shall in all respects be subject to the Jurisdiction of the Bishop and Archdeacon
5 within whose Diocese and Archdeaconry such District shall be situate, and shall be subject to all Laws and Regulations for the Time being in force respecting Presentation, Institution, Collation, Induction, Residence, the ceasing or Determination of Incumbency, and the holding of Ecclesiastical Preferment, and shall be a Body Politic and Corporate,
10 porate, and shall have perpetual Succession, by the Name and in the Character aforesaid, and may in such Name and Character, notwithstanding the Statutes of Mortmain, receive and take to him and his Successors as well every Grant of Endowment or Augmentation made or granted by the Authority aforesaid as also any Real or Personal
15 Estate or Effects whatsoever which any Person or Persons or Body Corporate may give or grant to him according to Law.

XX. The Provisions contained in the Twentieth Section of the said firstly-recited Act respecting the Assignment of the Right of Patronage, either in perpetuity or for One or more Nominations, in
20 certain Cases, by the Authority therein referred to, shall apply to the Case of the Patronage of any Church or Chapel to which a District shall have been assigned under the Church Building Acts, and the Patronage of which is vested by any of the Church Building Acts or by this Act in the Incumbent of the original Parish, District, or
25 Place out of which such aforesaid District shall have been taken, by reason of his being such Incumbent, and not of any private Right, or of any new Parish which shall hereafter be constituted under this Act, or of any existing Parish or District having neither Church nor Incumbent nor Patron, or of any Benefice the Patronage of which is
30 vested in the Crown, or in the Chancellor of the Duchy of Lancaster, or in the Duke of Cornwall, or of any Benefice the Patronage of which is vested in any Ecclesiastical Corporation, aggregate or sole; provided that the permanent annual Endowment of such Benefices respectively shall not exceed One hundred Pounds per Annum, nor
35 the annual Income of the same from all Sources the Sum of Two hundred and fifty Pounds per Annum, such Income to be calculated by the said Commissioners in the Manner provided by the Eighth Section of an Act of the First and Second of Victoria, Chapter One hundred and six, and when any Portion of such Income shall arise
40 from Pew Rents, the Value of such Portion shall be calculated upon an Average of the Three Years last preceding.

6 & 7 Vict.
c. 37. s. 20.
extended.

Patronage
may be
conferred
upon Contri-
butors to
Endowment
or their
Nominees,
upon certain
Considera-
tions.

XXI. It shall not be lawful for the Commissioners to assign such Patronage as aforesaid in perpetuity for any Augmentation or Endowment, except as follows ; that is to say,

I. The building a Church as and for the Church of such Parish, District, or Benefice, and providing for the permanent Endowment 5 of such Church a clear yearly Sum of at least Forty Pounds :

II. The permanently endowing the Church or Chapel of such Parish, District, or Benefice with a clear yearly Sum of at least One hundred and fifty Pounds :

III. The permanently endowing the Church or Chapel of such 10 Parish, District, or Benefice with a clear yearly Sum of at least One hundred Pounds, and building or providing, in addition, upon a Plan to be approved by the Commissioners, a Parsonage House, to be held and enjoyed as and for the House of Residence of the Incumbent for the Time being of such Church or Chapel : 15

And such annual Sums respectively shall arise from Money invested in or upon any Parliamentary Stocks or Funds, or secured upon Government or Real Securities in England and Wales ; provided that in lieu of such annual Sums respectively the Commissioners may accept and shall invest such Principal Sums as at the current Rate of 20 Interest on Money invested in the Public Funds would yield the respective annual Sums hereby required to be provided.

Assignment
of Patronage
to be made
with certain
Consents.

XXII. Such Assignment shall be made in the following Case with the following Consents only ; that is to say, in the Case of a Benefice in the Patronage of the Crown, or the Chancellor of the Duchy of 25 Lancaster for the Time being, or of the Duke of Cornwall, or of any Archbishop or Bishop, with the Consent of the Patron thereof ; and in the Case of a Benefice in the Patronage of any Ecclesiastical Corporation Aggregate, or of an Incumbent of any Benefice, or in the Case of any Benefice having neither Church nor Incumbent nor 30 Patron, with the Consent of the Bishop of the Diocese ; and such Consent shall be testified in manner provided by the One hundred and twenty-sixth and One hundred and twenty-eighth Sections of the Act of the First and Second Victoria, Chapter One hundred and six. 35

Notices to be
sent to
Patrons.

XXIII. When the Commissioners shall intend to make any such Assignment as aforesaid, they shall give Notice in Writing of such Intention to the Patron or Patrons of such Benefices, and to the Person or Persons whose Consents are hereby required, and such Notice shall be served in manner provided by the secondly- 40 recited Act, and shall not proceed to make such Assignment until

until after the Expiration of Three Months from the Date of such Notices being sent; and no such Assignment shall be made to any other Body or Person whatsoever, whenever such Patron or Patrons shall, within the above-mentioned Period, undertake to provide a
 5 permanent Endowment or Augmentation in one or other of the Modes heretofore mentioned, to the Satisfaction of the said Commissioners.

XXIV. The Provisions of an Act passed in the Session holden in the First and Second Years of Her Majesty, Chapter One hundred
 10 and six, relative to the Party or Parties who shall be deemed the Patron or Patrons of the Benefices therein mentioned, shall be applicable for the Purposes of this Act.

Who to be deemed Patrons.

XXV. Whenever the Right of Patronage of any such before-mentioned Benefice with Cure of Souls shall, pursuant to the foregoing
 15 Provisions of this Act, have become vested in perpetuity in any Body or Person by reason of such Body or Person having augmented the Endowment of such Benefice in such adequate Manner as is hereinbefore mentioned, and whenever such Benefice shall, at the Time of such Transfer of Patronage, be already permanently endowed with an
 20 annual Sum of not less than One hundred Pounds, or whenever the annual Income of such Benefice from all Sources shall, when calculated upon an Average of the Three Years immediately preceding such Augmentation, amount to One hundred and fifty Pounds, no subsequent Sale or Assignment or other Disposition of such Patronage
 25 by any Body or Persons whatsoever, for any valuable Consideration whatever, shall be made until after Thirty Years after such Transfer, unless the entire Proceeds be legally secured to the further permanent Augmentation of such Benefice, but every such Sale, Assignment, or other Disposition of such Patronage shall be illegal, and every Pre-
 30 sentation, Collation, Admission, Institution, or Induction thereupon shall be void, and the Right of Patronage of such Benefice shall thereupon for Two Nominations lapse to the Bishop.

Patronage not to be sold.

Penalty of Lapse for so doing.

XXVI. Upon the Constitution of a new Parish under the said Acts or this Act, it shall be lawful for the Commissioners, in the
 35 meantime and until the Conditions of the said Acts or of this Act relating to the Assignment of the Patronage of the Church of such new Parish in consideration of an Endowment provided for the same shall have been complied with, and subject to the Conditions relating hereto herein contained, to assign such Patronage, if they shall see
 40 fit, to the Incumbent of the original Parish out of which such new Parish shall have been taken, and if such Parish shall have been formed out of more than One Parish, then to one or other of the

Patronage may be vested in certain Cases in Incumbent of original Parish.

Incumbents of such Parishes as they shall think fit, anything contained in the Twenty-first Section of the first-recited Act to the contrary notwithstanding, or to make or sanction any Agreement with respect thereto, as may be deemed expedient by the like Authority.

Lands,
Tithes, &c.
and other
Endowments
to vest in
Incumbent
and his Suc-
cessors.

XXVII. All Endowments, of whatever Form and Character, which 5 shall hereafter be provided for any Parish, District, or Benefice, and the Church or Chapel thereof, under the Provisions of the said firstly and secondly recited Acts or of this Act, shall be settled and assured by the Body or Person providing the same, free from Incumbrances, by such Deed or Deeds and in such Manner as the Commissioners 10 shall from Time to Time direct, unto and to the Use of the Incumbent for the Time being of the Church or Chapel of such Parish, District, or Benefice, and his Successors for ever; and such Deeds shall be valid and effectual in Law to all Intents and Purposes, whether such Church or Chapel shall be vacant or full of an Incumbent, and not- 15 withstanding the Statute of Mortmain or any other Law or Statute whatsoever.

Appoint-
ment of
Trustees, &c.

XXVIII. Where the Commissioners shall make any Assignment of Patronage in Perpetuity, under the said first-recited Acts or this Act, to the Nominees of any Body or Person or of Two or more 20 Bodies or Persons respectively, such Nominees shall be not more than Five in Number, and shall be the Trustees for the Exercise of such Patronage, and shall be named in the Deed of Assignment by the said Bodies or Persons making such Endowment or Augmentation, or by the major Part in Value of the Subscribers thereto respectively of 25 not less than Fifty Pounds; and every such Nominee shall upon his Appointment sign a Declaration that he is a Member of the United Church of England and Ireland; and all Vacancies which shall from Time to Time occur in the Number of such Trustees, from Death, Resignation, or Inability or Refusal to act, shall be filled up in such Manner as by 30 the said Deed of Endowment shall be provided; and if it shall happen that all the Trustees for the Time being shall die without having (in pursuance of any such Power in the said Deed of Endowment) appointed any other Trustees or Trustee as their Successors, or in case any Vacancy in the Number of such Trustees shall not be filled up 35 for the Space of *One Year* from the Date of such Vacancy occurring, then and in either Case it shall be lawful for the Bishop of the Diocese to nominate, appoint, or complete the Number of Trustees by the said Deed of Assignment required; and every such Appointment, whether made in pursuance of the said Deed of Assignment or by the 40 Bishop, shall be valid and effectual for the Purpose of conveying the Right of Nomination; and during any Vacancy or Vacancies in the Office of Trustee the remaining or continuing Trustees or Trustee for the

the Time being shall be capable of acting, as fully and effectually as if such Vacancy or Vacancies had been duly filled up.

XXIX. It shall be lawful for the Commissioners, by the Authority aforesaid, and subject to such Consents as are herein-after mentioned, to
 5 divide any Parish into Two or more distinct and separate Parishes for all Ecclesiastical Purposes whatsoever, and to fix and settle the respective Proportion of Tithes, Glebe Lands, and other Endowments which shall arise, accrue, remain, and be within each of such respective Divisions, according as by the like Authority shall be
 10 deemed advisable; and the Order made by Her Majesty in Council, ratifying the Scheme for such Division, shall be good and valid in Law for the Purpose of effecting the same; and such Scheme shall set forth the particular Expediency of such Division, and how far it may be necessary in consequence thereof to make any Alteration in Ecclesias-
 15 tical Jurisdiction, and how the Changes consequent upon such Division in respect of Patronage, Rights of Pew Holders, and other Rights and Privileges, Glebe Lands, Tithes, Rentcharges, and other Ecclesiastical Dues, Oblations, Offerings, Rates, and Payments, may be made with Justice to all Parties interested; and such Scheme shall also contain
 20 such Directions and Regulations relative to the Duties and Character of the Incumbents of the respective Divisions of such Parish, and to the Performance of the Offices and Services of the Church in the respective Churches thereof, and to the Fees to be taken for the same respectively, and to any other Matter or Thing which may be necessary
 25 or expedient by reason or in consequence of such Change: Provided always, that such Division shall be made in the following Cases with the following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Crown, or in the Chancellor of the Duchy of Lancaster for the Time being, or of the Duke of Cornwall, or of any
 30 Archbishop or Bishop, or of a Benefice in private Patronage, with the Consent of the Patrons thereof respectively; in the Case of a College, with the Consent of the Visitor; in the Case of a Dean or a Dean and Chapter, with the Consent of the Bishop of the Diocese; such Consents to be testified as aforesaid: And provided also, that no such
 35 Provision shall take effect until after the First Avoidance then next ensuing of the Church of the Parish to be so divided, unless with the Consent in Writing of the actual Incumbent thereof.

Parishes may be divided, with certain Consents.

XXX. In Cases where any Parish shall have been divided into Two or more distinct and separate Parishes, or where any District or
 40 new Parish shall have been constituted or formed out of any Parish, District, or Place, pursuant to the Provisions of the said Church Building Acts, and the said firstly and secondly recited Acts, or either of them, or of this Act, it shall be lawful, by the Authority
 [72.] B 2 aforesaid,

In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made.

aforesaid, and with the Consent of the respective Patrons and Incumbents of such distinct and separate Parishes, or of such Parish, District, or Place, as the Case may be, to make a Separation and Division of the Glebe Lands, Tithes, Rentcharges, and other Endowments belonging to such distinct and separate Parishes, or to such 5 Parish, District, or Place, and to annex and resettle the same to and for the Benefit of such distinct and separate Parishes, or of such Parish, District, or Place, and the District or new Parish constituted or taken thereout, as the Case may be, in such Manner and Proportions as by the Authority aforesaid may be deemed expedient, and to 10 make such Regulations and Arrangements as may be requisite for effectually completing such Division and Settlement as aforesaid; and upon every such Resettlement of Endowments, whenever the whole of the Ecclesiastical Dues arising within the Limits of any Parish, District, or Place, or any Prædial or Rectorial Tithe shall become and 15 be made payable to the Incumbent of such Parish, District, or Place, such Parish, District, or Place shall thereupon become and be a Rectory, and such Incumbent the Rector thereof, anything hereinbefore contained to the contrary notwithstanding.

Saving of Parish of Manchester Division Act, 1850, and other Parochial Rights, except as expressly provided. Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act.

XXXI. Nothing herein contained shall be construed to affect or 20 alter the Provisions of the Parish of Manchester Division Act, 1850, or to affect or alter any existing or special Rights, Privileges, or Liabilities whatsoever, ecclesiastical or civil, of any Parish, District, or Place, except as is herein expressly provided.

XXXII. All the Powers and Authorities vested in Her Majesty in 25 Council and the Ecclesiastical Commissioners for England by an Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, and by an Act of the Fourth and Fifth Years of Her Majesty, Chapter Thirty-nine, with reference to the Matters therein contained, and all other the Provisions of the same Acts relative to 30 Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued and extended and shall apply to Her Majesty in Council, and to the Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively with reference to all 35 Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein, and the said recited Acts and this Act shall be read and construed as one and the same Act.

Interpretation of Terms.

XXXIII. In the Construction of this Act, except where the Context or other Provisions of the Act may require a different Construction: 40 The Expression "Church Building Acts" shall mean and include all or any of the Acts recited and designated in the Schedule to this Act:

The

The Word "Commissioners" shall mean the Ecclesiastical Commissioners for England :

The Expression "Church Building Commissioners" shall mean Her Majesty's Commissioners for Building New Churches :

5 The Expression "Parish, District, or Place," shall mean and include any ancient or distinct and separate Parish, District, Parish, Chapelry, District Chapelry, Consolidated Chapelry, or Extra-parochial Place ; and the Word "Extra-parochial Place" shall include any Township, Vill, Village, or Hamlet, being extra-
10 parochial :

The Expression "Ecclesiastical Corporation" shall include every Archbishop, Bishop, Dean and Chapter, or Member of any Cathedral or Collegiate Church in England or Wales, but shall not include any other College or Hospital, or any Parson, Vicar,
15 or Perpetual Curate, or other Incumbent of any Benefice :

The Word "Lands" shall extend to and include Manors, Messuages, Buildings, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure and Description :

20 The Word "Tithes" shall mean and include all commuted and uncommuted Rentcharges in lieu of Tithes, Portions and Parcels of Tithe, and all Moduses, Compositions, Prescriptive and Customary Payments :

The Expression "Body or Person" shall mean and include any Body Politic, Corporate, or Collegiate, the Trustees, Guardians,
25 Commissioners, or other Persons having the Control, Care, or Management of any Hospital, School, or Charitable Foundation, and any Corporation Aggregate or Sole as well as One Person :

The Word "Bishop" shall include Archbishop :

30 The Word "Vestry" shall mean the Inhabitants in Vestry assembled :

And every Church or Chapel referred to in this Act shall be deemed to be in the Diocese of the Bishop within the Limits of whose Diocese the East End of such Church or Chapel may be situate.

35 XXXIV. This Act shall extend only to that Part of the United Kingdom called England and Wales, and to the Isle of Man, and to the Islands of Guernsey, Jersey, Alderney, and Sark, and to the Scilly Islands. Extent of Act.

40 XXXV. Whenever it may be necessary to cite the said recited Acts or this Act, it shall be sufficient to use the Expression "New Parishes Act," 1843, 1844, or 1856, as the Case may require. CLAUSE G.
Short Title
OF 18 & 19 VICT.
c. 37.
7 & 8 VICT.
c. 94.,
and this Act.

SCHEDULE referred to in this Act.

CHURCH BUILDING ACTS.

- 58 G. 3. An Act of the Fifty-eighth Year of King George the Third, Chap-
c. 45. ter Forty-five.
- 59 G. 3. An Act of the Fifty-ninth Year of King George the Third, Chapter
c. 134. One hundred and thirty-four.
- 3 G. 4. c. 72. An Act of the Third Year of King George the Fourth, Chapter
Seventy-two.
- 5 G. 4. c. 103. An Act of the Fifth Year of King George the Fourth, Chapter
One hundred and three.
- 7 & 8 G. 4. An Act of the Session holden in the Seventh and Eighth Years of
c. 72. King George the Fourth, Chapter Seventy-two.
- 1 & 2 W. 4. An Act of the Session holden in the First and Second Years of
c. 38. King William the Fourth, Chapter Thirty-eight.
- 2 & 3 W. 4. An Act of the Session holden in the Second and Third Years of
c. 61. King William the Fourth, Chapter Sixty-one.
- 7 W. 4. and An Act of the Session holden in the Seventh Year of King William
1 Vict. c. 75. the Fourth and the First Year of Her Majesty, Chapter Seventy-five.
- 1 & 2 Vict. An Act of the Session holden in the First and Second Years of Her
c. 107. Majesty, Chapter One hundred and seven.
- 2 & 3 Vict. An Act of the Session holden in the Second and Third Years of
c. 49. Her Majesty, Chapter Forty-nine.
- 3 & 4 Vict. An Act of the Session holden in the Third and Fourth Years of
c. 60. Her Majesty, Chapter Sixty.
- 7 & 8 Vict. An Act of the Session holden in the Seventh and Eighth Years of
c. 56. Her Majesty, Chapter Fifty-six.
- 8 & 9 Vict. An Act of the Session holden in the Eighth and Ninth Years of
c. 70. Her Majesty, Chapter Seventy.
- 9 & 10 Vict. An Act of the Session holden in the Ninth and Tenth Years of
c. 68. Her Majesty, Chapter Sixty-eight.
- 9 & 10 Vict. An Act of the same Session, Chapter Eighty-eight.
c. 88.
- 11 & 12 Vict. An Act of the Session holden in the Eleventh and Twelfth Years
c. 37. of Her Majesty, Chapter Thirty-seven.
- 11 & 12 Vict. An Act of the same Session, Chapter Seventy-one.
c. 71.
- 14 & 15 Vict. An Act of the Session holden in the Fourteenth and Fifteenth
c. 97. Years of Her Majesty, Chapter Ninety-seven.

Formation, &c. of Parishes.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To facilitate the Formation and Endowment of separate and distinct Parishes.

(Prepared and brought in by
The Marquis of Blandford and Viscount Ebrington.)

Ordered, by The House of Commons, to be Printed,
14 March, 1856.

[Bill 72.]
Under 3 oz.

Formation, &c. of Parishes Bill.

[AS AMENDED BY THE SELECT COMMITTEE AND IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

As to Formation of Parishes or Districts, and Sites for Churches.

Preamble.

Commissioners may constitute a new Parish, whether it contains a Church within its Limits or not; Sect. 1.

District containing a Church to become a new Parish on being constituted a separate District by Order in Council; 2.

Endowment according to 6 & 7 Vict. c. 37. s. 9. may be modified; 3.

Provisions of 6 & 7 Vict. c. 37. s. 22. to apply to Ecclesiastical and Collegiate Corporations; 4.

As to Pew Rents.

Right to Pews in the old Parish Church not to be retained after Occupation of Sittings in the new; 5.

Pew Rents may be taken according to Scale, and applied towards Repair of Church and Endowment; 6.

Upon permanent Endowment of any Church or Chapel, a proportionate Number of Sittings to be declared free, or Scale of Pew Rents to be reduced; 7.

Scale of Pew Rents may be altered; 8.

As to Churchyards, Vaults, and Burials.

Clerk and Sexton to be appointed by Incumbent; 9.

Power to alter Fences in Churchyards and turn Footpaths according to 59 Geo. 3. c. 134. s. 39;—10.

Freeholds of Churches and Burial Grounds to vest in Incumbents; 11.

Performance of the Offices of the Church.

Offices of the Church to be performed in all Churches or Chapels, on Application of the Incumbent; 12.

Reserved Fees to belong to original Incumbent until First Avoidance, then to the Incumbent of new Parish; 13.

Provisions of 19th Section of 6 & 7 Vict. c. 37. extended; 14.

Districts may become separate and distinct Parishes; 15.

Incumbent of new Parish to have exclusive Cure of Souls therein; 16.

[Bill 237.]

A

As to Patronage and Endowment.

6 & 7 Vict. c. 37. s. 20. extended ; 17.

Patronage may be conferred upon Contributors to Endowment or their Nominees, upon certain Considerations ; 18.

Assignment of Patronage to be made with certain Consents ; 19.

Notices to be sent to Patrons ; 20.

Who to be deemed Patrons ; 21.

Patronage not to be sold ; Penalty of Lapse for so doing ; 22.

Patronage may be vested in certain Cases in Incumbent of original Parish ; 23.

Lands, Tithes, &c., and other Endowments, to vest in Incumbent and his Successors ; 24.

As to Trustees for the Exercise of Patronage.

Appointment of Trustees, &c. ; 25.

As to Division of Parishes and Resettlement of Endowments.

Parishes may be divided, with certain Consents ; 26.

In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made ; 27.

Christchurch, Oxford, to be considered a College ; 28.

Providing Houses of Residence for Spiritual Persons serving any Church or Chapel ; 29.

Churchwardens to be paid Compensation for Rights of Common ; 30.

Parish of Manchester Division Act.

Saving of Parish of Manchester Division Act, 1850, and other Parochial Rights, except as expressly provided ; 31.

Extension of Powers

Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act ; 32.

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Extent of Act ; 34.

Short Title of 6 & 7 Vict. c. 37., 7 & 8 Vict. c. 94., and this Act ; 35.

10 July 1856. 19 & 20 VICT.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND
IN COMMITTEE]

TO

Facilitate the Formation and Endowment of
separate and distinct Parishes.

[Note.—*The Clauses marked B. to G. were inserted by the Select
Committee, and the Clauses marked H. to K. in Committee.*]

WHEREAS it is expedient to afford increased Facilities for Preamble.
the Subdivision of populous Districts, and for the For-
mation thereof of separate and distinct Parishes for all
Ecclesiastical Purposes, and also to make better Provision for the En-
5 dowment and Augmentation of poor Livings in England and Wales :
And whereas by an Act passed in the Sixth and Seventh Years of Her 6 & 7 Vict.
Majesty, Chapter Thirty-seven, and by another Act passed in the c. 37. s. 9.
Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, the 7 & 8 Vict.
Ecclesiastical Commissioners for England are empowered, in the Case of c. 94.
10 Parishes, Chapelries, and Districts of great Extent and containing a large
Population, to constitute any Part or Parts thereof a separate District
for Spiritual Purposes, such District not at the Time of so constituting
the same containing within its Limits any consecrated Church or
Chapel, and it is expedient that the Provisions of the said Act relative
15 thereto, and to the Matter and Things consequent thereon, should be
extended and amended in manner following : Be it therefore enacted
by the Queen's most Excellent Majesty, hy and with the Advice and
[Bill 237.] A 2 Consent

Commissioners may constitute a new Parish, whether it contains a Church within its Limits or not.

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: That—

I. It shall be lawful to constitute Districts under the Provisions of the said Acts, notwithstanding that there may be within the Limits of any such District a consecrated Church or Chapel, any Local Act to the contrary notwithstanding.

District containing a Church to become a new Parish on being constituted a separate District by Order in Council.

II. It shall be lawful for the Commissioners, in the Scheme for constituting any District, to specify some existing or intended Church as the Parish Church of such District, and immediately upon the issuing of the Order of Her Majesty in Council ratifying such Scheme such District shall become and be a new Parish, and such Church the Church thereof, and the Incumbent of such Church the Incumbent thereof, in the same Manner, and to the same Extent, to all Intents and Purposes, as is contemplated with respect to new Parishes formed under the said Acts, and to the Churches and Incumbents thereof respectively; and the Incumbent of such Church shall be liable to the Performance of all Pastoral Duties within the Limits of such new Parish.

Endowment according to 6 & 7 Vict. c. 37. s. 9. may be modified.

III. It shall be lawful to recommend the Constitution of such District without providing in the Scheme for the same the permanent Endowment required by the Ninth Section of the first-recited Act, if it shall appear to the Commissioners, and shall be declared in the said Scheme, that there is Reason to expect from other Sources an adequate Maintenance for the Incumbent.

Provisions of 6 & 7 Vict. c. 37. s. 22. to apply to Ecclesiastical and Collegiate Corporations.

IV. The Powers and Provisions contained in the Twenty-second Section of the said first-recited Act, enabling any Person or Body Corporate to give and grant Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, for the Purposes of the said Act, shall be construed and held to authorize any Ecclesiastical or Collegiate Corporation, aggregate or sole, to give or grant any Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, belonging to such Corporation, in such Manner as is in the said firstly and secondly recited Acts mentioned, for the Purposes of the said recited Acts or of this Act: Provided always, that the said Powers shall not be exercised by the Incumbent of any Benefice with Cure of Souls without the Consent of the Patron of such Benefice.

Right to Pews in the old Parish Church not

V. No Person resident within the Limits of any new Parish or District already formed under any of the Church Building Acts, or hereafter to be formed under the Provisions of the said Acts of the

Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, and the Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, or of this Act, who shall occupy or shall have claimed and have had assigned to him a Pew or Sittings in the Church of such new Parish, 5 shall thereafter retain any Right to a Pew or Sittings in the Church of the original Parish or other Ecclesiastical District out of which such Parish shall have been taken, unless such last-mentioned Pew or Sittings be held by Faculty or under an Act of Parliament.

to be re-
tained after
Occupation
of Sittings
in the new.

VI. It shall be lawful for the Commissioners, if it shall appear to 10 them that sufficient Funds cannot be provided from other Sources, but not otherwise, with the Consent of the Bishop of the Diocese under his Hand, to order and declare by an Instrument in Writing under their Common Seal that annual Rents may be reserved and taken in respect of any Pews or Sittings in any Church to or for 15 which a District may hereafter be assigned under the Provisions of the said recited Acts or of this Act, and such Rents shall be charged, levied, and taken by the Churchwardens for the Time being of such Church after a Rate or Scale which shall be specified in such Instrument, and the Proceeds not otherwise appropriated by Law shall be 20 applied towards the Repair and Maintenance of the same Church, and the Maintenance of the Minister and the Services thereof, and the Endowment of such Church, in such Manner as shall be specified in such Instrument, and to no other Uses: Provided always, that One Half Part at least of the whole Number of Pews or 25 Sittings in such Church shall be Free Sittings, and shall with respect to Position and Convenience be as advantageously situated as those for which a Rent may be fixed and reserved.

Pew Rents
may be taken
according to
Scale, and
applied to-
wards Repair
of Church
and Endow-
ment.

VII. Upon a permanent Endowment being provided for any Church in which Pew Rents have previously been authorized to be 30 taken, and upon such Endowment being approved by the Commissioners, they may thereupon, under such an Instrument under their Common Seal as is herein-before mentioned, with the Consent of the Bishop of the Diocese, make an equivalent Reduction in the total Amount of the Rents authorized to be taken for the Pews or Sittings 35 in such Church, if the same shall not be appropriated by Law for specific Purposes, either by a Reduction of the Rate or Scales, or by declaring certain specific Pews or Sittings theretofore chargeable with the Rents to be absolutely free: Provided always, that if any Sum or Sums of Money have been borrowed under the Authority of any 40 Act of Parliament or Order in Council upon the Security of Pew Rents such Instrument shall not take effect until after the Repayment of all Sums so charged or chargeable.

Upon per-
manent
Endowment
of any
Church or
Chapel a pro-
portionate
Number of
Sittings to
be declared
free, or Scale
of Pew
Rents to be
reduced.

Scale of Pew
Rents may
be altered.

VIII. It shall be lawful for the said Commissioners, with the like Consent of the Bishop, from Time to Time or at any Time, to rescind the whole or any Part of the Provisions contained in any Instrument such as aforesaid which may be in force; but no Alteration affecting the Emoluments of the Incumbent of any Church shall take effect until the next Avoidance of the Benefice, unless with his Consent in Writing. 5

Clerk and
Sexton to be
appointed by
Incumbent.

IX. The Parish Clerk and Sexton of the Church of any Parish constituted under the said recited Acts or this Act shall and may be appointed by the Incumbent for the Time being of such Church, and be by him removable, with the Consent of the Bishop of the Diocese, for any Misconduct. 10

Power to
alter Fences
in Church-
yards, and
turn Foot-
paths accord-
ing to 59G.3.
c. 134. s. 39.

X. The Powers and Authorities vested in the Church Building Commissioners by the Thirty-ninth Section of the said Act of the Fifty-ninth Year of George the Third, Chapter One hundred and thirty-four, shall be transferred to and be vested in the Ecclesiastical Commissioners for England, and shall be deemed to be repeated and incorporated herein, and, subject to such Consent and Notice as in the aforesaid Section is mentioned, may be used and applied by the said Ecclesiastical Commissioners in the Case of the Churchyard or Burial Ground of any Parish or District created or constituted pursuant to the Provisions of the said firstly and secondly recited Acts or of this Act. 15

Freeholds of
Churches
and Burial
Grounds to
vest in
Incumbents.

XI. The Freehold of the Site of the Church of any new Parish created under this Act or the said firstly and secondly recited Acts, and of the Churchyard, Burial Ground, and Vaults belonging thereto, with the Rights, Members, and Appurtenances thereof, or in case the same shall be vested in any Vestry by any Local Act of Parliament then not without the Consent of such Vestry, and the House of Residence, with the Appurtenances thereof, and all the Lands, Tithes, Tenements, Hereditaments, and other Endowments belonging to such Church or Chapel, or held by or vested in any Person or Body Corporate in trust exclusively for or for the exclusive Benefit of the Incumbent of such Church or Chapel, shall become and be vested in such Incumbent and his Successors for ever, and be held and enjoyed by him and them in right of such Incumbency; and all Lands, Tenements, or Hereditaments granted or conveyed for the Site of any Church or Chapel, and upon which any Church shall be built, or for a Burial Ground, shall from and after the Consecration of such Church and Burial Ground respectively remain and be freed from and discharged of all the Estate, Right, Title, Interest, Claim, and Demand of any Person, Body Politic or Corporate whatsoever, including Her present Majesty and Her 25 30 35 40

Her Successors, unto or out of the same or any Part thereof respectively, subject nevertheless to any Rent that may be reserved thereout, and to the Covenants and Conditions subject to which the same may have been granted or conveyed.

- 5 XII. From and after the Commencement of this Act, the Commissioners may, if they shall think fit, upon Application of the Incumbent of any Church or Chapel to which a District shall belong, make an Order, under their Common Seal, authorizing the Publication of Banns of Matrimony and the Solemnization therein of Marriages, Baptisms, Churchings, and Burials, according to the Laws and Canons now in force in this Realm; and all the Fees payable for the Performance of such Offices, as well as all the Mortuary and other Ecclesiastical Fees, Dues, Oblations, or Offerings arising within the Limits of such District, shall be payable and be paid to the Incumbent of 15 such District.

CLAUSE B.
Offices of the Church to be performed in all Churches or Chapels, on Application of the Incumbent.

- XIII. In every Case in which all or any Part of the Fees or other Ecclesiastical Dues arising within the Limits of any District, or payable in respect of Marriages, Baptisms, Churchings, and Burials in the Church or Chapel thereof, or of such Fees as are hereby made payable to the Incumbent of any District, shall have been reserved, or if such last-mentioned Order had not been made would of right belong to the Incumbent of the original Parish, District, or Place out of which the District of such Church or Chapel shall have been taken, or to the Clerk thereof, an Account of such Fees shall 25 be kept by the Incumbent of such Church or Chapel, who is hereby required to receive and every Three Months pay over the same to the Incumbent and Clerk respectively who would have been entitled to them in case such Districts had not been formed; and from and after the next Avoidance of such Incumbency, or the Relinquishment of such Fees by such Incumbent, and after the Situation of such Clerk shall have become vacant, or after a Compensation in lieu of Fees has been awarded to such Clerk by the Bishop of the Diocese, which he is hereby empowered to do, such Reservation shall altogether cease and determine; and all such Fees and Dues shall 30 belong to the Incumbent of the District within which the same shall arise, or to the Clerk of the Church thereof.

CLAUSE C.
Reserved Fees to belong to original Incumbent until First Avoidance, then to the Incumbent of new Parish.

- XIV. The Provisions contained in the Nineteenth Section of the Sixth and Seventh Victoria, Chapter Thirty-seven, relating to Compensation to be given as therein mentioned, shall be applicable to and 40 may be exercised by the Commissioners in like Manner with respect to Persons affected by the Provisions of this Act.

CLAUSE D.
Provisions of 19th Section of 6 & 7 Vict. c. 37. extended.

CLAUSE E.
Districts
may become
separate and
distinct
Parishes.

XV. Wheresoever or as soon as Banns of Matrimony and the Solemnization of Marriages, Churchings, and Baptisms according to the Laws and Canons in force in this Realm are authorized to be published and performed in any consecrated Church or Chapel to which a District shall belong, such District not being at the Time of 5 the passing of this Act a separate and distinct Parish for Ecclesiastical Purposes, and the Incumbent of which is by such Authority entitled for his own Benefit to the entire Fees arising from the Performance of such Offices without any Reservation thereout, such District or Place shall become and be a separate and distinct Parish 10 for Ecclesiastical Purposes, such as is contemplated in the Fifteenth Section of the first-recited Act, and the Church or Chapel of such District shall be the Church of such Parish, and all and singular the Provisions of the said firstly and secondly recited Acts (as amended by this Act) relative to new Parishes, upon their becoming such, and 15 to the Matters and Things consequent thereon, shall extend and apply to the said Parish and Church as fully and effectually as if the same had become a new Parish under the Provisions of the said last-mentioned Acts.

CLAUSE F.
Incumbent
of new Pa-
rish to have
exclusive
Cure of Souls
therein.

XVI. The Incumbent of every new Parish created or hereafter 20 to be created pursuant to the Provisions of the said firstly and secondly recited Acts or of this Act shall have sole and exclusive Cure of Souls within the Limits of the same, and the exclusive Right of performing all Ecclesiastical Offices for the resident Inhabitants therein, who shall for all Ecclesiastical Purposes be Parishioners 25 thereof, and of no other Parish, and such new Parish shall, for the like Purposes, have and possess all and the same Rights and Privileges, and be affected with such and the same Liabilities, as are incident or belong to a distinct and separate Parish.

6 & 7 Vict.
c. 37. s. 20.
extended.

XVII. The Provisions contained in the Twentieth Section of the 30 said firstly-recited Act respecting the Assignment of the Right of Patronage, either in perpetuity or for One or more Nominations, in certain Cases, by the Authority therein referred to, shall apply to the Case of the Patronage of any Church or Chapel to which a District shall belong, and the Patronage of which is vested in the Incumbent 35 of the original Parish, District, or Place out of which such aforesaid District shall have been taken, by reason of his being such Incumbent, and not of any private Right, or of any new Parish which shall hereafter be constituted under this Act, or of any existing Parish or District having neither Incumbent nor Patron, or of any Benefice the 40 Patronage of which is vested in the Crown, or in the Chancellor of the Duchy of Lancaster, or in the Duke of Cornwall, or of any Benefice the Patronage of which is vested in any Ecclesiastical or Lay Corporation,

Corporation, aggregate or sole ; provided that the permanent annual Endowment of such Benefices respectively shall not exceed One hundred Pounds per Annum, nor the annual Income of the same from all Sources the Sum of Two hundred and fifty Pounds per 5 Annum, such Income to be calculated by the said Commissioners in the Manner provided by the Eighth Section of an Act of the First and Second of Victoria, Chapter One hundred and six, and when any Portion of such Income shall arise from Pew Rents, the Value of such Portion shall be calculated upon an Average of the Three Years 10 last preceding.

XVIII. It shall not be lawful for the Commissioners to assign such Patronage as aforesaid in perpetuity for any less Consideration than may be conferred upon Contributors to Endowment or their Nominees, upon certain Considerations. the building a Church, as and for the Church of such Parish, District, or Benefice, and providing for the permanent Endowment of such 15 Church a clear yearly Sum of at least Forty-five Pounds, or the permanently endowing the Church or Chapel of such Parish, District, or Benefice with a clear yearly Sum of One hundred and fifty Pounds : Provided always, that the Commissioners may, in lieu of such Sums, or as Part thereof, accept any Gift, Benefaction, or Property which 20 they shall judge to be suitable in its Nature ; but provided always, that such Gift, Benefaction, or Property shall, in the Judgment of the Commissioners, be equivalent to the said Sums in each Case respectively, or to the Part thereof in lieu of which it shall have been accepted.

25 XIX. Such Assignment shall be made in the following Case with the following Consents only ; that is to say, in the Case of a Benefice in the Patronage of the Crown, or the Chancellor of the Duchy of Lancaster for the Time being, or of the Duke of Cornwall, or of any Archbishop or Bishop, or of any Lay or Ecclesiastical Corporation 30 Aggregate, with the Consent of the Patron thereof ; and in the Case of a Benefice in the Patronage of an Incumbent of any Benefice, or in the Case of any Parish or District having neither Incumbent nor Patron, with the Consent of the Bishop of the Diocese ; and such Consent shall be testified in manner provided by the One hundred 35 and twenty-sixth and One hundred and twenty-eighth Sections of the Act of the First and Second Victoria, Chapter One hundred and six.

XX. When the Commissioners shall intend to make any such Assignment as aforesaid, they shall give Notice in Writing of such 40 Intention to the Patron or Patrons of such Benefices, and to the Person or Persons whose Consents are hereby required, and such Notice shall be served in manner provided by the secondly-

recited Act, and shall not proceed to make such Assignment until after the Expiration of Three Months from the Date of such Notices being sent; and no such Assignment shall be made to any other Body or Person whatsoever, whenever such Patron or Patrons shall, within the above-mentioned Period, undertake to provide a permanent Endowment or Augmentation in one or other of the Modes heretofore mentioned, to the Satisfaction of the said Commissioners; and whenever it shall appear to the Commissioners that any Church or Chapel has been erected or endowed mainly through the Exertions of the Patron or Patrons thereof, such Patron or Patrons shall not be deprived of the Patronage of such Church or Chapel by any Assignment of the same without his or their Consent.

Who to be
deemed
Patrons.

XXI. The Provisions of an Act passed in the Session holden in the First and Second Years of Her Majesty, Chapter One hundred and six, relative to the Party or Parties who shall be deemed the Patron or Patrons of the Benefices therein mentioned, shall be applicable for the Purposes of this Act.

Patronage
not to be
sold.
Penalty of
Lapse for so
doing.

XXII. Whenever the Right of Patronage of any such before-mentioned Benefice with Cure of Souls shall, pursuant to the foregoing Provisions of this Act, have become vested in perpetuity in any Body or Person by reason of such Body or Person having augmented the Endowment of such Benefice in such adequate Manner as is hereinbefore mentioned, and whenever such Benefice shall, at the Time of such Transfer of Patronage, be already permanently endowed with an annual Sum of not less than One hundred Pounds, or whenever the annual Income of such Benefice from all Sources shall, when calculated upon an Average of the Three Years immediately preceding such Augmentation, amount to One hundred and fifty Pounds, no subsequent Sale or Assignment or other Disposition of such Patronage by any Body or Persons whatsoever, for any valuable Consideration whatever, shall be made until Thirty Years next after such Transfer, unless the entire Proceeds be legally secured to the further permanent Augmentation of such Benefice, but every such Sale, Assignment, or other Disposition of such Patronage shall be illegal, and every Presentation, Collation, Admission, Institution, or Induction thereupon shall be void, and the Right of Patronage of such Benefice shall thereupon for Two Nominations lapse to the Bishop: Provided also, that when the Patronage of any Church or Chapel to which a District shall have been assigned is vested in the Incumbent of the original Parish, District, or Place out of which such District has been taken, the Person holding the Incumbency of such original Parish, District, or Place at the Time of the passing this Act shall not be deprived

deprived of the Patronage of such Church or Chapel by any Assignment of the same during his Incumbency without his Consent.

XXIII. Upon the Constitution of a new Parish under the said Acts or this Act, it shall be lawful for the Commissioners, in the
 5 meantime and until the Conditions of the said Acts or of this Act relating to the Assignment of the Patronage of the Church of such new Parish in consideration of an Endowment provided for the same shall have been complied with, and subject to the Conditions relating thereto herein contained, to assign such Patronage, if they shall see
 10 fit, to the Incumbent of the original Parish out of which such new Parish shall have been taken, and if such Parish shall have been formed out of more than One Parish, then to one or other of the Incumbents of such Parishes as they shall think fit, anything contained in the Twenty-first Section of the first-recited Act to the contrary
 15 notwithstanding, or to make or sanction any Agreement with respect thereto, as may be deemed expedient by the like Authority.

Patronage may be vested in certain Cases in Incumbent of original Parish.

XXIV. All Endowments, of whatever Form and Character, which shall hereafter be provided for any Parish, District, or Benefice, and the Church or Chapel thereof, under the Provisions of the said firstly
 20 and secondly recited Acts or of this Act, shall be settled and assured by the Body or Person providing the same, free from Incumbrances, by such Deed or Deeds and in such Manner as the Commissioners shall from Time to Time direct, unto and to the Use of the Incumbent for the Time being of the Church or Chapel of such Parish, District,
 25 or Benefice, and his Successors for ever; and such Deeds shall be valid and effectual in Law to all Intents and Purposes, whether such Church or Chapel shall be vacant or full of an Incumbent, and notwithstanding the Statute of Mortmain or any other Law or Statute whatsoever.

Lands, Tithes, &c. and other Endowments to vest in Incumbent and his Successors.

XXV. Where the Commissioners shall make any Assignment of Patronage in Perpetuity, under the said first-recited Acts or this Act, to the Nominees of any Body or Person or of Two or more Bodies or Persons respectively, such Nominees shall be not more than Five in Number, and shall be the Trustees for the Exercise of such
 35 Patronage, and shall be named in the Deed of Assignment by the said Bodies or Persons making such Endowment or Augmentation, or by the major Part in Value of the Subscribers thereto respectively of not less than Fifty Pounds; and every such Nominee shall upon his Appointment sign a Declaration that he is a Member of the United Church
 40 of England and Ireland; and all Vacancies which shall from Time to Time occur in the Number of such Trustees, from Death, Resignation, or Inability or Refusal to act, shall be filled up in such Manner as by

Appointment of Trustees, &c.

the said Deed of Endowment shall be provided ; and if it shall happen that all the Trustees for the Time being shall die without having (in pursuance of any such Power in the said Deed of Endowment) appointed any other Trustees or Trustee as their Successors, or in case any Vacancy in the Number of such Trustees shall not be filled up 5 for the Space of One Year from the Date of such Vacancy occurring, then and in either Case it shall be lawful for the Bishop of the Diocese to nominate, appoint, or complete the Number of Trustees by the said Deed of Assignment required ; and every such Appointment, whether made in pursuance of the said Deed of Assignment or by the 10 Bishop, shall be valid and effectual for the Purpose of conveying the Right of Nomination ; and during any Vacancy or Vacancies in the Office of Trustee the remaining or continuing Trustees or Trustee for the Time being shall be capable of acting, as fully and effectually as if such Vacancy or Vacancies had been duly filled up. 15

Parishes
may be di-
vided, with
certain
Consents.

XXVI. It shall be lawful for the Commissioners, by the Authority aforesaid, and subject to such Consents as are herein-after mentioned, to divide any Parish into Two or more distinct and separate Parishes for all Ecclesiastical Purposes whatsoever, and to fix and settle the respective Proportion of Tithes, Glebe Lands, and other Endow- 20 ments which shall arise, accrue, remain, and be within each of such respective Divisions, according as by the like Authority shall be deemed advisable ; and the Order made by Her Majesty in Council, ratifying the Scheme for such Division, shall be good and valid in Law for the Purpose of effecting the same ; and such Scheme shall set forth 25 the particular Expediency of such Division, and how far it may be necessary in consequence thereof to make any Alteration in Ecclesiastical Jurisdiction, and how the Changes consequent upon such Division in respect of Patronage, Rights of Pew Holders, and other Rights and Privileges, Glebe Lands, Tithes, Rentcharges, and other Ecclesiastical 30 Dues, Oblations, Offerings, Rates, and Payments, may be made with Justice to all Parties interested ; and such Scheme shall also contain such Directions and Regulations relative to the Duties and Character of the Incumbents of the respective Divisions of such Parish, and to the Performance of the Offices and Services of the Church in the respec- 35 tive Churches thereof, and to the Fees to be taken for the same respectively, and to any other Matter or Thing which may be necessary or expedient by reason or in consequence of such Change : Provided always, that such Division shall be made in the following Cases with the following Consents only ; that is to say, in the Case of a Benefice in 40 the Patronage of the Crown, or in the Chancellor of the Duchy of Lancaster for the Time being, or of the Duke of Cornwall, or of any Archbishop or Bishop, or of any Lay or Ecclesiastical Corporation Aggregate, or of a Benefice in private Patronage, with the Consent of

of the Patrons thereof respectively, with the Consent of the Bishop of the Diocese, such Consents to be testified as aforesaid : And provided also, that no such Provision shall take effect until after the First Avoidance then next ensuing of the Church of the Parish to be so divided, unless with the Consent in Writing of the actual Incumbent thereof.

XXVII. In Cases where any Parish shall have been divided into Two or more distinct and separate Parishes, or where any District or new Parish shall have been constituted or formed out of any Parish, District, or Place, it shall be lawful, by the Authority aforesaid, and with the Consent of the respective Patrons and Incumbents of such distinct and separate Parishes, or of such Parish, District, or Place, as the Case may be, to make a Separation and Division of the Glebe Lands, Tithes, Rentcharges, and other Endowments belonging to such distinct and separate Parishes, or to such Parish, District, or Place, and to annex and resettle the same to and for the Benefit of such distinct and separate Parishes, or of such Parish, District, or Place, and the District or new Parish constituted or taken thereout, as the Case may be, in such Manner and Proportions as by the Authority aforesaid may be deemed expedient, and to make such Regulations and Arrangements as may be requisite for effectually completing such Division and Settlement as aforesaid ; and upon every such Resettlement of Endowments, whenever the whole of the Ecclesiastical Dues arising within the Limits of any Parish, District, or Place, consisting of any Prædial or Rectorial Tithe shall become and be made payable to the Incumbent of such Parish, District, or Place, such Parish, District, or Place shall thereupon become and be a Rectory, and such Incumbent the Rector thereof, anything herein-before contained to the contrary notwithstanding.

In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made.

XXVIII. For the Purposes of this Act, the Cathedral or House of Christ Church in Oxford shall be considered to be to all Intents and Purposes a College of the University.

CLAUSE II.
Christ-church, Oxford, to be considered a College.

XXIX. For the Purpose of providing for the Spiritual Person serving any Church or Chapel a convenient House of Residence, or for a Site thereof, or for a Garden thereto, it shall be lawful for any Body or Person to give, grant, or convey to the Ecclesiastical Commissioners for England any Messuage, Lands, Tenements, or Hereditaments, and for the said Commissioners to receive the same, subject to such Conditions and Stipulations, for the Purpose of more effectually securing the same to and for the Use of such Spiritual Person aforesaid and his Successors for ever, as may be agreed upon between the said Commissioners and the Body or Person so giving or conveying

CLAUSE I.
Providing Houses of Residence for Spiritual Persons serving any Church or Chapel.

ing the same, and without any Licence or Writ of Ad quod damnum, the Statute of Mortmain or any other Statute to the contrary notwithstanding ; and in case it shall become necessary or expedient to sell or exchange the said Premises, such Sale or Exchange shall not be made without such Premises having first been offered to the 5 Body or Person who shall have given or conveyed the same, or to their or his Heirs or Successors who shall be entitled to the Right of Pre-emption thereof : Provided always, that such Lands or Hereditaments shall not exceed in reference to any One Spiritual Person One Acre in Extent.

10

CLAUSE K.
Churchwardens to be paid Compensation for Rights of Common.

XXX. Whereas it is enacted by the Thirty-eighth Section of the Fifty-eighth George the Third, Chapter Forty-five, that a Sum for Compensation of Rights of Common shall be paid to the Churchwardens of the respective Parishes wherein such Commons or Waste Lands shall lie, and Doubts have arisen whether it is compulsory 15 or permissive, on the Part of the Churchwardens, to receive the same : It is hereby declared, That it shall be compulsory for the Churchwardens to accept Payment of the said Compensation.

Saving of Parish of Manchester Division Act, 1850, and other Parochial Rights, except as expressly provided.
Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act.

XXXI. Nothing herein contained shall be construed to affect or alter the Provisions of the Parish of Manchester Division Act, 1850, 20 or to affect or alter any existing or special Rights, Privileges, or Liabilities whatsoever, ecclesiastical or civil, of any Parish, District, or Place, except as is herein expressly provided.

XXXII. All the Powers and Authorities vested in Her Majesty in Council and the Ecclesiastical Commissioners for England by an Act 25 of the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, and by an Act of the Fourth and Fifth Years of Her Majesty, Chapter Thirty-nine, with reference to the Matters therein contained, and all other the Provisions of the same Acts relative to 30 Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued and extended and shall apply to Her Majesty in Council, and to the Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein, and 35 the said recited Acts and this Act shall be read and construed as one and the same Act.

Interpretation of Terms.

XXXIII. In the Construction of this Act, except where the Context or other Provisions of the Act may require a different Construction : The Expression " Parish, District, or Place," shall mean and include 40 any ancient or distinct and separate Parish, District, Parish, Chapelry,

- Chapelry, District Chapelry, Consolidated Chapelry, or Extra-parochial Place; and the Word "Extra-parochial Place" shall include any Township, Vill, Village, or Hamlet, being extra-parochial; and for the Purposes of the Acts concerning or regulating the Burial of the Dead, every Parish created under the said recited Acts or this Act shall be held to be an Ecclesiastical District within the Meaning of the said Acts:
- 5 The Word "Commissioners" shall mean the Ecclesiastical Commissioners for England:
- 10 The Expression "Ecclesiastical Corporation" shall include every Archbishop, Bishop, Dean and Chapter, or Member of any Cathedral or Collegiate Church in England or Wales, but shall not include any other College or Hospital, or any Parson, Vicar, or Perpetual Curate, or other Incumbent of any Benefice:
- 15 The Word "Lands" shall extend to and include Manors, Messuages, Buildings, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure and Description:
- The Word "Tithes" shall mean and include all commuted and uncommuted Rentcharges in lieu of Tithes, Portions and Parcels of Tithe, and all Moduses, Compositions, Prescriptive and Customary Payments:
- 20 The Expression "Body or Person" shall mean and include any Body Politic, Corporate, or Collegiate, the Trustees, Guardians, Commissioners, or other Persons having the Control, Care, or Management of any Hospital, School, or Charitable Foundation, and any Corporation Aggregate or Sole as well as One Person:
- 25 The Word "Bishop" shall include Archbishop:
- The Word "Vestry" shall mean the Inhabitants in Vestry assembled:
- 30 And every Church or Chapel referred to in this Act shall be deemed to be in the Diocese of the Bishop within the Limits of whose Diocese the East End of such Church or Chapel may be situate.

XXXIV. This Act shall extend only to that Part of the United Kingdom called England and Wales, and to the Isle of Man, and to the Islands of Guernsey, Jersey, Alderney, and Sark, and to the Scilly Islands.

Extent of Act

XXXV. Whenever it may be necessary to cite the said recited Acts or this Act, it shall be sufficient to use the Expression "New Parishes Act," 1843, 1844, or 1856, as the Case may require.

CLAUSE G.
Short Title
of 6 & 7 Vict.
c. 37.,
7 & 8 Vict.
c. 94.,
and this Act.

Formation, &c. of Parishes.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE
AND IN COMMITTEE]

To facilitate the Formation and Endowment of separate and distinct Parishes.

(*Prepared and brought in by
The Marquis of Blandford and Viscount Ebrington.*)

*Ordered, by The House of Commons, to be Printed,
10 July 1856.*

[Bill 237.]

Under 3 oz.

Formation, &c. of Parishes Bill.

[AS AMENDED BY THE SELECT COMMITTEE, IN COMMITTEE, AND
ON CONSIDERATION OF BILL AS AMENDED.]

ARRANGEMENT OF CLAUSES.

As to Formation of Parishes or Districts, and Sites for Churches.

Preamble.

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District containing a Church to become a new Parish on being constituted a separate District by Order in Council ; 2.

Endowment according to 6 & 7 Vict. c. 37. s. 9. may be modified ; 3.

Provisions of 6 & 7 Vict. c. 37. s. 22. to apply to Ecclesiastical and Collegiate Corporations ; 4.

As to Pew Rents.

Right to Pews in the old Parish Church not to be retained after Occupation of Sittings in the new ; 5.

Pew Rents may be taken according to Scale, and applied towards Repair of Church and Endowment ; 6.

Upon permanent Endowment of any Church or Chapel, a proportionate Number of Sittings to be declared free, or Scale of Pew Rents to be reduced ; 7.

Scale of Pew Rents may be altered ; 8.

As to Churchyards, Vaults, and Burials.

Clerk and Sexton to be appointed by Incumbent ; 9.

Freeholds of Churches and Burial Grounds to vest in Incumbents ; 10.

Performance of the Offices of the Church.

Offices of the Church to be performed in all Churches or Chapels, on Application of the Incumbent ; 11.

Reserved Fees to belong to original Incumbent until First Avoidance, then to the Incumbent of new Parish ; 12.

Provisions of 19th Section of 6 & 7 Vict. c. 37. extended ; 13.

Districts may become separate and distinct Parishes ; 14.

Incumbent of new Parish to have exclusive Cure of Souls therein ; 15.

As to Patronage and Endowment.

6 & 7 Vict. c. 37. s. 20. extended ; 16.

Patronage may be conferred upon Contributors to Endowment or their Nominees, upon certain Considerations ; 17.

Assignment of Patronage to be made with certain Consents ; 18.

Notices to be sent to Patrons ; 19.

Who to be deemed Patrons ; 20.

Patronage not to be sold ; Penalty of Lapse for so doing ; 21.

Patronage may be vested in certain Cases in Incumbent of original Parish ; 22.

Lands, Tithes, &c., and other Endowments, to vest in Incumbent and his Successors ; 23.

As to Trustees for the Exercise of Patronage.

Appointment of Trustees, &c. ; 24.

As to Division of Parishes and Resettlement of Endowments.

Parishes may be divided, with certain Consents ; 25.

In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made ; 26.

Christchurch, Oxford, to be considered a College ; 27.

Providing Houses of Residence for Spiritual Persons serving any Church or Chapel ; 28.

Churchwardens to be paid Compensation for Rights of Common ; 29.

Parish of Manchester Division Act.

Saving of Parish of Manchester Division Act, 1850, and other Parochial Rights, except as expressly provided ; 30.

Extension of Powers.

Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act ; 31.

Interpretation Clause.

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Extension of Act.

Extent of Act ; 33.

Short Title of 6 & 7 Vict. c. 37., 7 & 8 Vict. c. 94., and this Act ; 34.

11 July 1856. 19 & 20 VICT.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE, IN COMMITTEE,
AND ON CONSIDERATION OF BILL AS AMENDED]

TO

Facilitate the Formation and Endowment of
separate and distinct Parishes.

[Note.—*The Clauses marked B. to G. were inserted by the Select
Committee, and the Clauses marked H. to K. in Committee.*]

WHEREAS it is expedient to afford increased Facilities for Preamble.
the Subdivision of populous Districts, and for the For-
mation thereof of separate and distinct Parishes for all
Ecclesiastical Purposes, and also to make better Provision for the En-
5 dowment and Augmentation of poor Livings in England and Wales :
And whereas by an Act passed in the Sixth and Seventh Years of Her 6 & 7 Vict.
Majesty, Chapter Thirty-seven, and by another Act passed in the c. 37. s. 9.
Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, the 7 & 8 Vict.
Ecclesiastical Commissioners for England are empowered, in the Case of c. 94.
10 Parishes, Chapelries, and Districts of great Extent and containing a large
Population, to constitute any Part or Parts thereof a separate District
for Spiritual Purposes, such District not at the Time of so constituting
the same containing within its Limits any consecrated Church or
Chapel, and it is expedient that the Provisions of the said Act relative
15 thereto, and to the Matter and Things consequent thereon, should be
extended and amended in manner following : Be it therefore enacted
by the Queen's most Excellent Majesty, by and with the Advice and
[Bill 245.] A 2 Consent

Commissioners may constitute a new Parish, whether it contains a Church within its Limits or not.

District containing a Church to become a new Parish on being constituted a separate District by Order in Council.

Endowment according to 6 & 7 Vict. c. 37. s. 9. may be modified.

Provisions of 6 & 7 Vict. c. 37. s. 22. to apply to Ecclesiastical and Collegiate Corporations.

Right to Pews in the old Parish Church not

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: That—

I. It shall be lawful to constitute Districts under the Provisions of the said Acts, notwithstanding that there may be within the Limits of any such District a consecrated Church or Chapel, any Local Act to the contrary notwithstanding. 5

II. It shall be lawful for the Commissioners, in the Scheme for constituting any District, to specify some existing or intended Church as the Parish Church of such District, and immediately upon the issuing of the Order of Her Majesty in Council ratifying such Scheme such District shall become and be a new Parish, and such Church the Church thereof, and the Incumbent of such Church the Incumbent thereof, in the same Manner, and to the same Extent, to all Intents and Purposes, as is contemplated with respect to new Parishes formed under the said Acts, and to the Churches and Incumbents thereof respectively; and the Incumbent of such Church shall be liable to the Performance of all Pastoral Duties within the Limits of such new Parish. 10 15

III. It shall be lawful to recommend the Constitution of such District without providing in the Scheme for the same the permanent Endowment required by the Ninth Section of the first-recited Act, if it shall appear to the Commissioners, and shall be declared in the said Scheme, that there is Reason to expect from other Sources an adequate Maintenance for the Incumbent. 20 25

IV. The Powers and Provisions contained in the Twenty-second Section of the said first-recited Act, enabling any Person or Body Corporate to give and grant Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, for the Purposes of the said Act, shall be construed and held to authorize any Ecclesiastical or Collegiate Corporation, aggregate or sole, to give or grant any Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, belonging to such Corporation, in such Manner as is in the said firstly and secondly recited Acts mentioned, for the Purposes of the said recited Acts or of this Act: Provided always, that the said Powers shall not be exercised by the Incumbent of any Benefice with Cure of Souls without the Consent of the Patron of such Benefice. 30 35

V. No Person resident within the Limits of any new Parish or District already formed under any of the Church Building Acts, or hereafter to be formed under the Provisions of the said Acts of the 40 Sixth

Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, and the Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, or of this Act, who shall occupy or shall have claimed and have had assigned to him a Pew or Sittings in the Church of such new Parish, shall thereafter retain any Right to a Pew or Sittings in the Church of the original Parish or other Ecclesiastical District out of which such Parish shall have been taken, unless such last-mentioned Pew or Sittings be held by Faculty or under an Act of Parliament.

to be retained after Occupation of Sittings in the new.

VI. It shall be lawful for the Commissioners, if it shall appear to them that sufficient Funds cannot be provided from other Sources, but not otherwise, with the Consent of the Bishop of the Diocese under his Hand, to order and declare by an Instrument in Writing under their Common Seal that annual Rents may be reserved and taken in respect of any Pews or Sittings in any Church to or for which a District may hereafter be assigned under the Provisions of the said recited Acts or of this Act, and such Rents shall be charged, levied, and taken by the Churchwardens for the Time being of such Church after a Rate or Scale which shall be specified in such Instrument, and the Proceeds not otherwise appropriated by Law shall be applied towards the Repair and Maintenance of the same Church, and the Maintenance of the Minister and the Services thereof, and the Endowment of such Church, in such Manner as shall be specified in such Instrument, and to no other Uses : Provided always, that One Half Part at least of the whole Number of Pews or Sittings in such Church shall be Free Sittings, and shall with respect to Position and Convenience be as advantageously situated as those for which a Rent may be fixed and reserved.

Pew Rents may be taken according to Scale, and applied towards Repair of Church and Endowment.

VII. Upon a permanent Endowment being provided for any Church in which Pew Rents have previously been authorized to be taken, and upon such Endowment being approved by the Commissioners, they may thereupon, under such an Instrument under their Common Seal as is herein-before mentioned, with the Consent of the Bishop of the Diocese, make an equivalent Reduction in the total Amount of the Rents authorized to be taken for the Pews or Sittings in such Church, if the same shall not be appropriated by Law for specific Purposes, either by a Reduction of the Rate or Scales, or by declaring certain specific Pews or Sittings theretofore chargeable with the Rents to be absolutely free : Provided always, that if any Sum or Sums of Money have been borrowed under the Authority of any Act of Parliament or Order in Council upon the Security of Pew Rents such Instrument shall not take effect until after the Repayment of all Sums so charged or chargeable.

Upon permanent Endowment of any Church or Chapel a proportionate Number of Sittings to be declared free, or Scale of Pew Rents to be reduced.

Scale of Pew
Rents may
be altered.

VIII. It shall be lawful for the said Commissioners, with the like Consent of the Bishop, from Time to Time or at any Time, to rescind the whole or any Part of the Provisions contained in any Instrument such as aforesaid which may be in force ; but no Alteration affecting the Emoluments of the Incumbent of any Church shall take 5 effect until the next Avoidance of the Benefice, unless with his Consent in Writing.

Clerk and
Sexton to be
appointed by
Incumbent.

IX. The Parish Clerk and Sexton of the Church of any Parish constituted under the said recited Acts or this Act shall and may be appointed by the Incumbent for the Time being of such Church, and 10 be by him removable, with the Consent of the Bishop of the Diocese, for any Misconduct.

Freeholds of
Churches
and Burial
Grounds to
vest in
Incumbents.

X. The Freehold of the Site of the Church of any new Parish created under this Act or the said firstly and secondly recited Acts, and of the Churchyard, Burial Ground, and Vaults belonging 15 thereto, with the Rights, Members, and Appurtenances thereof, or in case the same shall be vested in any Vestry by any Local Act of Parliament then not without the Consent of such Vestry, and the House of Residence, with the Appurtenances thereof, and all the Lands, Tithes, Tenements, Hereditaments, and other 20 Endowments belonging to such Church or Chapel, or held by or vested in any Person or Body Corporate in trust exclusively for or for the exclusive Benefit of the Incumbent of such Church or Chapel, shall become and be vested in such Incumbent and his Successors for ever, and be held and enjoyed by him and them in right of such 25 Incumbency ; and all Lands, Tenements, or Hereditaments granted or conveyed for the Site of any Church or Chapel, and upon which any Church shall be built, or for a Burial Ground, shall from and after the Consecration of such Church and Burial Ground respectively remain and be freed from and discharged of all the Estate, 30 Right, Title, Interest, Claim, and Demand of any Person, Body Politic or Corporate whatsoever, including Her present Majesty and Her Successors, unto or out of the same or any Part thereof respectively, subject nevertheless to any Rent that may be reserved thereout, and to the Covenants and Conditions subject to which the same may 35 have been granted or conveyed.

CLAUSE B.
Offices of the
Church to be
performed in
all Churches
or Chapels,
on Applica-
tion of the
Incumbent.

XI. From and after the Commencement of this Act, the Commissioners may, if they shall think fit, upon Application of the Incumbent of any Church or Chapel to which a District shall belong, make an Order, under their Common Seal, authorizing the Publication of 40 Banns of Matrimony and the Solemnization therein of Marriages, Baptisms,

Baptisms, Churchings, and Burials, according to the Laws and Canons now in force in this Realm ; and all the Fees payable for the Performance of such Offices, as well as all the Mortuary and other Ecclesiastical Fees, Dues, Oblations, or Offerings arising within the Limits of such District, shall be payable and be paid to the Incumbent of such District.

XII. In every Case in which all or any Part of the Fees or other Ecclesiastical Dues arising within the Limits of any District, or payable in respect of Marriages, Baptisms, Churchings, and Burials in the Church or Chapel thereof, or of such Fees as are hereby made payable to the Incumbent of any District, shall have been reserved, or if such last-mentioned Order had not been made would of right belong to the Incumbent of the original Parish, District, or Place out of which the District of such Church or Chapel shall have been taken, or to the Clerk thereof, an Account of such Fees shall be kept by the Incumbent of such Church or Chapel, who is hereby required to receive and every Threë Months pay over the same to the Incumbent and Clerk respectively who would have been entitled to them in case such Districts had not been formed ; and from and after the next Avoidance of such Incumbency, or the Relinquishment of such Fees by such Incumbent, and after the Situation of such Clerk shall have become vacant, or after a Compensation in lieu of Fees has been awarded to such Clerk by the Bishop of the Diocese, which he is hereby empowered to do, such Reservation shall altogether cease and determine ; and all such Fees and Dues shall belong to the Incumbent of the District within which the same shall arise, or to the Clerk of the Church thereof.

CLAUSE C.
Reserved
Fees to be-
long to
original
Incumbent
until First
Avoidance,
then to the
Incumbent
of new
Parish.

XIII. The Provisions contained in the Nineteenth Section of the Sixth and Seventh Victoria, Chapter Thirty-seven, relating to Compensation to be given as therein mentioned, shall be applicable to and may be exercised by the Commissioners in like Manner with respect to Persons affected by the Provisions of this Act.

CLAUSE D.
Provisions of
19th Section
of 6 & 7 Vict.
c. 37. ex-
tended.

XIV. Wheresoever or as soon as Banns of Matrimony and the Solemnization of Marriages, Churchings, and Baptisms according to the Laws and Canons in force in this Realm are authorized to be published and performed in any consecrated Church or Chapel to which a District shall belong, such District not being at the Time of the passing of this Act a separate and distinct Parish for Ecclesiastical Purposes, and the Incumbent of which is by such Authority entitled for his own Benefit to the entire Fees arising from the Performance of such Offices without any Reservation thereout, such

CLAUSE E.
Districts
may become
separate and
distinct
Parishes.

District or Place shall become and be a separate and distinct Parish for Ecclesiastical Purposes, such as is contemplated in the Fifteenth Section of the first-recited Act, and the Church or Chapel of such District shall be the Church of such Parish, and all and singular the Provisions of the said firstly and secondly recited Acts (as amended 5 by this Act) relative to new Parishes, upon their becoming such, and to the Matters and Things consequent thereon, shall extend and apply to the said Parish and Church as fully and effectually as if the same had become a new Parish under the Provisions of the said last-mentioned Acts. 10

CLAUSE F.
Incumbent
of new Pa-
rish to have
exclusive
Cure of Souls
therein.

XV. The Incumbent of every new Parish created or hereafter to be created pursuant to the Provisions of the said firstly and secondly recited Acts or of this Act shall have sole and exclusive Cure of Souls within the Limits of the same, and the exclusive Right of performing all Ecclesiastical Offices for the resident Inhabitants 15 therein, who shall for all Ecclesiastical Purposes be Parishioners thereof, and of no other Parish, and such new Parish shall, for the like Purposes, have and possess all and the same Rights and Privileges, and be affected with such and the same Liabilities, as are incident or belong to a distinct and separate Parish, and to no other Liabilities: 20 Provided always, that nothing herein contained shall be taken to affect the legal Liabilities of any Parish regulated by a Local Act of Parliament, or the Security for any Loan of Money legally borrowed under any Act of Parliament or otherwise.

6 & 7 Vict.
c. 37. s. 20.
extended.

XVI. The Provisions contained in the Twentieth Section of the 25 said firstly-recited Act respecting the Assignment of the Right of Patronage, either in perpetuity or for One or more Nominations, in certain Cases, by the Authority therein referred to, shall apply to the Case of the Patronage of any Church or Chapel to which a District shall belong, and the Patronage of which is vested in the Incumbent 30 of the original Parish, District, or Place out of which such aforesaid District shall have been taken, by reason of his being such Incumbent, and not of any private Right, or of any new Parish which shall hereafter be constituted under this Act, or of any existing Parish or District having neither Incumbent nor Patron, or of any Benefice the 35 Patronage of which is vested in the Crown, or in the Chancellor of the Duchy of Lancaster, or in the Duke of Cornwall, or of any Benefice the Patronage of which is vested in any Ecclesiastical or Lay Corporation, aggregate or sole; provided that the permanent annual Endowment of such Benefices respectively shall not exceed One 40 hundred Pounds per Annum, nor the annual Income of the same from all Sources the Sum of Two hundred and fifty Pounds per Annum

Annum, such Income to be calculated by the said Commissioners in the Manner provided by the Eighth Section of an Act of the First and Second of Victoria, Chapter One hundred and six, and when any Portion of such Income shall arise from Pew Rents, the Value of 5 such Portion shall be calculated upon an Average of the Three Years last preceding.

XVII. It shall not be lawful for the Commissioners to assign such Patronage as aforesaid in perpetuity for any less Consideration than the building a Church, as and for the Church of such Parish, District, 10 or Benefice, and providing for the permanent Endowment of such Church a clear yearly Sum of at least Forty-five Pounds, or the permanently endowing the Church or Chapel of such Parish, District, or Benefice with a clear yearly Sum of One hundred and fifty Pounds: Provided always, that the Commissioners may, in lieu of such Sums, 15 or as Part thereof, accept any Gift, Benefaction, or Property which they shall judge to be suitable in its Nature; but provided always, that such Gift, Benefaction, or Property shall, in the Judgment of the Commissioners, be equivalent to the said Sums in each Case respectively, or to the Part thereof in lieu of which it shall have been 20 accepted.

Patronage may be conferred upon Contributors to Endowment or their Nominees, upon certain Considerations.

XVIII. Such Assignment shall be made in the following Case with the following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Crown, or the Chancellor of the Duchy of Lancaster for the Time being, or of the Duke of Cornwall, or of any 25 Archbishop or Bishop, or of any Lay or Ecclesiastical Corporation Aggregate, with the Consent of the Patron thereof; and in the Case of a Benefice in the Patronage of an Incumbent of any Benefice, or in the Case of any Parish or District having neither Incumbent nor Patron, with the Consent of the Bishop of the Diocese; and such 30 Consent shall be testified in manner provided by the One hundred and twenty-sixth and One hundred and twenty-eighth Sections of the Act of the First and Second Victoria, Chapter One hundred and six.

Assignment of Patronage to be made with certain Consents.

XIX. When the Commissioners shall intend to make any such 35 Assignment as aforesaid, they shall give Notice in Writing of such Intention to the Patron or Patrons of such Benefices, and to the Person or Persons whose Consents are hereby required, and such Notice shall be served in manner provided by the secondly-recited Act, and shall not proceed to make such Assignment 40 until after the Expiration of Three Months from the Date of such Notices being sent; and no such Assignment shall be made to any other Body or Person whatsoever, whenever such Patron or Patrons shall, within the above-mentioned Period, undertake to provide a

Notices to be sent to Patrons.

permanent Endowment or Augmentation in one or other of the Modes heretofore mentioned, to the Satisfaction of the said Commissioners; and whenever it shall appear to the Commissioners that any Church or Chapel has been erected or endowed mainly through the Exertions of the Patron or Patrons thereof, such Patron or Patrons shall not be deprived of the Patronage of such Church or Chapel by any Assignment of the same without his or their Consent.

Who to be
deemed
Patrons.

XX. The Provisions of an Act passed in the Session holden in the First and Second Years of Her Majesty, Chapter One hundred and six, relative to the Party or Parties who shall be deemed the Patron or Patrons of the Benefices therein mentioned, shall be applicable for the Purposes of this Act.

Patronage
not to be
sold.

Penalty of
Lapse for so
doing.

XXI. Whenever the Right of Patronage of any such before-mentioned Benefice with Cure of Souls shall, pursuant to the foregoing Provisions of this Act, have become vested in perpetuity in any Body or Person by reason of such Body or Person having augmented the Endowment of such Benefice in such adequate Manner as is hereinbefore mentioned, and whenever such Benefice shall, at the Time of such Transfer of Patronage, be already permanently endowed with an annual Sum of not less than One hundred Pounds, or whenever the annual Income of such Benefice from all Sources shall, when calculated upon an Average of the Three Years immediately preceding such Augmentation, amount to One hundred and fifty Pounds, no subsequent Sale or Assignment or other Disposition of such Patronage by any Body or Persons whatsoever, for any valuable Consideration whatever, shall be made until Thirty Years next after such Transfer, unless the entire Proceeds be legally secured to the further permanent Augmentation of such Benefice, but every such Sale, Assignment, or other Disposition of such Patronage shall be illegal, and every Presentation, Collation, Admission, Institution, or Induction thereupon shall be void, and the Right of Patronage of such Benefice shall thereupon for Two Nominations lapse to the Bishop: Provided also, that when the Patronage of any Church or Chapel to which District shall have been assigned is vested in the Incumbent of the original Parish, District, or Place out of which such District has been taken, the Person holding the Incumbency of such original Parish, District, or Place at the Time of the passing this Act shall not be deprived of the Patronage of such Church or Chapel by any Assignment of the same during his Incumbency without his Consent.

Patronage
may be
vested

XXII. Upon the Constitution of a new Parish under the said Acts or this Act, it shall be lawful for the Commissioners, in the meantime

meantime and until the Conditions of the said Acts or of this Act relating to the Assignment of the Patronage of the Church of such new Parish in consideration of an Endowment provided for the same shall have been complied with, and subject to the Conditions relating thereto herein contained, to assign such Patronage, if they shall see fit, to the Incumbent of the original Parish out of which such new Parish shall have been taken, and if such Parish shall have been formed out of more than One Parish, then to one or other of the Incumbents of such Parishes as they shall think fit, anything contained in the Twenty-first Section of the first-recited Act to the contrary notwithstanding, or to make or sanction any Agreement with respect thereto, as may be deemed expedient by the like Authority.

in certain Cases in Incumbent of original Parish.

XXIII. All Endowments, of whatever Form and Character, which shall hereafter be provided for any Parish, District, or Benefice, and the Church or Chapel thereof, under the Provisions of the said firstly and secondly recited Acts or of this Act, shall be settled and assured by the Body or Person providing the same, free from Incumbrances, by such Deed or Deeds and in such Manner as the Commissioners shall from Time to Time direct, unto and to the Use of the Incumbent for the Time being of the Church or Chapel of such Parish, District, or Benefice, and his Successors for ever; and such Deeds shall be valid and effectual in Law to all Intents and Purposes, whether such Church or Chapel shall be vacant or full of an Incumbent, and notwithstanding the Statute of Mortmain or any other Law or Statute whatsoever.

Lands, Tithes, &c. and other Endowments to vest in Incumbent and his Successors.

XXIV. Where the Commissioners shall make any Assignment of Patronage in Perpetuity, under the said first-recited Acts or this Act, to the Nominees of any Body or Person or of Two or more Bodies or Persons respectively, such Nominees shall be not more than Five in Number, and shall be the Trustees for the Exercise of such Patronage, and shall be named in the Deed of Assignment by the said Bodies or Persons making such Endowment or Augmentation, or by the major Part in Value of the Subscribers thereto respectively of not less than Fifty Pounds; and every such Nominee shall upon his Appointment sign a Declaration that he is a Member of the United Church of England and Ireland; and all Vacancies which shall from Time to Time occur in the Number of such Trustees, from Death, Resignation, or Inability or Refusal to act, shall be filled up in such Manner as by the said Deed of Endowment shall be provided; and if it shall happen that all the Trustees for the Time being shall die without having (in pursuance of any such Power in the said Deed of Endowment) appointed any other Trustees or Trustee as their Successors, or in case

Appointment of Trustees, &c.

any Vacancy in the Number of such Trustees shall not be filled up for the Space of One Year from the Date of such Vacancy occurring, then and in either Case it shall be lawful for the Bishop of the Diocese to nominate, appoint, or complete the Number of Trustees by the said Deed of Assignment required; and every such Appointment, 5 whether made in pursuance of the said Deed of Assignment or by the Bishop, shall be valid and effectual for the Purpose of conveying the Right of Nomination; and during any Vacancy or Vacancies in the Office of Trustee the remaining or continuing Trustees or Trustee for the Time being shall be capable of acting, as fully and effectually as if 10 such Vacancy or Vacancies had been duly filled up.

Parishes
may be di-
vided, with
certain
Consents.

XXV. It shall be lawful for the Commissioners, by the Authority aforesaid, and subject to such Consents as are herein-after mentioned, to divide any Parish into Two or more distinct and separate Parishes 15 for all Ecclesiastical Purposes whatsoever, and to fix and settle the respective Proportion of Tithes, Glebe Lands, and other Endowments which shall arise, accrue, remain, and be within each of such respective Divisions, according as by the like Authority shall be deemed advisable; and the Order made by Her Majesty in Council, ratifying the Scheme for such Division, shall be good and valid in Law 20 for the Purpose of effecting the same; and such Scheme shall set forth the particular Expediency of such Division, and how far it may be necessary in consequence thereof to make any Alteration in Ecclesiastical Jurisdiction, and how the Changes consequent upon such Division in respect of Patronage, Rights of Pew Holders, and other Rights and 25 Privileges, Glebe Lands, Tithes, Rentcharges, and other Ecclesiastical Dues, Oblations, Offerings, Rates, and Payments, may be made with Justice to all Parties interested; and such Scheme shall also contain such Directions and Regulations relative to the Duties and Character of the Incumbents of the respective Divisions of such Parish, and to the 30 Performance of the Offices and Services of the Church in the respective Churches thereof, and to the Fees to be taken for the same respectively, and to any other Matter or Thing which may be necessary or expedient by reason or in consequence of such Change: Provided always, that such Division shall be made in the following Cases with the 35 following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Crown, or in the Chancellor of the Duchy of Lancaster for the Time being, or of the Duke of Cornwall, or of any Archbishop or Bishop, or of any Lay or Ecclesiastical Corporation Aggregate, or of a Benefice in private Patronage, with the Consent 40 of the Patrons thereof respectively, with the Consent of the Bishop of the Diocese, such Consents to be testified as aforesaid: And provided also, that no such Provision shall take effect until after the First

First Avoidance then next ensuing of the Church of the Parish to be so divided, unless with the Consent in Writing of the actual Incumbent thereof.

- XXVI. In Cases where any Parish shall have been divided into
- 5 Two or more distinct and separate Parishes; or where any District or new Parish shall have been constituted or formed out of any Parish, District, or Place, it shall be lawful, by the Authority aforesaid, and with the Consent of the respective Patrons and Incumbents of such distinct and separate Parishes, or of such Parish,
- 10 District, or Place, as the Case may be, to make a Separation and Division of the Glebe Lands, Tithes, Rentcharges, and other Endowments belonging to such distinct and separate Parishes, or to such Parish, District, or Place, and to annex and resettle the same to and for the Benefit of such distinct and separate Parishes, or of such
- 15 Parish, District, or Place, and the District or new Parish constituted or taken thereout, as the Case may be, in such Manner and Proportions as by the Authority aforesaid may be deemed expedient, and to make such Regulations and Arrangements as may be requisite for effectually completing such Division and Settlement as aforesaid; and
- 20 upon every such Resettlement of Endowments, whenever the whole of the Ecclesiastical Dues arising within the Limits of any Parish, District, or Place, consisting of any Prædial or Rectorial Tithe shall become and be made payable to the Incumbent of such Parish, District, or Place, such Parish, District, or Place shall thereupon become
- 25 and be a Rectory, and such Incumbent the Rector thereof, anything herein-before contained to the contrary notwithstanding.

In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made.

XXVII. For the Purposes of this Act, the Cathedral or House of Christ Church in Oxford shall be considered to be to all Intents and Purposes a College of the University.

CLAUSE H.
Christ-church, Oxford, to be considered a College.

- XXVIII. For the Purpose of providing for the Spiritual Person serving any Church or Chapel a convenient House of Residence, or for a Site thereof, or for a Garden thereto, it shall be lawful for any Body or Person to give, grant, or convey to the Ecclesiastical Commissioners for England any Messuage, Lands, Tenements, or Hereditaments, and for the said Commissioners to receive the same, subject
- 35 to such Conditions and Stipulations, for the Purpose of more effectually securing the same to and for the Use of such Spiritual Person aforesaid and his Successors for ever, as may be agreed upon between the said Commissioners and the Body or Person so giving or conveying the same; and in case it shall become necessary or expedient
- 40 to sell or exchange the said Premises, such Sale or Exchange shall not be made without such Premises having first been offered to the

CLAUSE I.
Providing Houses of Residence for Spiritual Persons serving any Church or Chapel.

Body or Person who shall have given or conveyed the same, or to their or his Heirs or Successors who shall be entitled to the Right of Pre-emption thereof.

CLAUSE K.
Churchwardens to be paid Compensation for Rights of Common.

XXIX. Whereas it is enacted by the Thirty-eighth Section of the Fifty-eighth George the Third, Chapter Forty-five, that a Sum for 5 Compensation of Rights of Common shall be paid to the Churchwardens of the respective Parishes wherein such Commons or Waste Lands shall lie, and Doubts have arisen whether it is compulsory or permissive, on the Part of the Churchwardens, to receive the same: It is hereby declared, That it shall be compulsory for the Churchwardens to accept Payment of the said Compensation. 10

Saving of Parish of Manchester Division Act, 1850, and other Parochial Rights, except as expressly provided. Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act.

XXX. Nothing herein contained shall be construed to affect or alter the Provisions of the Parish of Manchester Division Act, 1850, or to affect or alter any existing or special Rights, Privileges, or Liabilities whatsoever, ecclesiastical or civil, of any Parish, District, or 15 Place, except as is herein expressly provided.

XXXI. All the Powers and Authorities vested in Her Majesty in Council and the Ecclesiastical Commissioners for England by an Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, and by an Act of the Fourth and Fifth Years of Her Majesty, Chapter Thirty-nine, with reference to the Matters therein contained, and all other the Provisions of the same Acts relative to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued and extended and shall apply to Her Majesty in Council, and to the Commissioners, and to all Schemes and Orders 25 prepared, made, and issued by them respectively with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein, and the said recited Acts and this Act shall be read and construed as one and the same Act. 30

Interpretation of Terms.

XXXII. In the Construction of this Act, except where the Context or other Provisions of the Act may require a different Construction:

The Expression "Parish, District, or Place," shall mean and include any ancient or distinct and separate Parish, District, Parish, Chapelry, District Chapelry, Consolidated Chapelry, or Extra- 35 parochial Place; and the Word "Extra-parochial Place" shall include any Township, Vill, Village, or Hamlet, being extra-parochial; and for the Purposes of the Acts concerning or regulating the Burial of the Dead, every Parish created under the said recited Acts or this Act shall be held to be an Ecclesiastical 40 District within the Meaning of the said Acts:

The

The Word "Commissioners" shall mean the Ecclesiastical Commissioners for England :

5 The Expression "Ecclesiastical Corporation" shall include every Archbishop, Bishop, Dean and Chapter, or Member of any Cathedral or Collegiate Church in England or Wales, but shall not include any other College or Hospital, or any Parson, Vicar, or Perpetual Curate, or other Incumbent of any Benefice :

10 The Word "Lands" shall extend to and include Manors, Messuages, Buildings, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure and Description :

The Word "Tithes" shall mean and include all commuted and uncommuted Rentcharges in lieu of Tithes, Portions and Parcels of Tithe, and all Moduses, Compositions, Prescriptive and Customary Payments :

15 The Expression "Body or Person" shall mean and include any Body Politic, Corporate, or Collegiate, the Trustees, Guardians, Commissioners, or other Persons having the Control, Care, or Management of any Hospital, School, or Charitable Foundation, and any Corporation Aggregate or Sole as well as One Person :

20 The Word "Bishop" shall include Archbishop :

The Word "Vestry" shall mean the Inhabitants in Vestry assembled :

25 And every Church or Chapel referred to in this Act shall be deemed to be in the Diocese of the Bishop within the Limits of whose Diocese the East End of such Church or Chapel may be situate.

30 XXXIII. This Act shall extend only to that Part of the United Kingdom called England and Wales, and to the Isle of Man, and to the Islands of Guernsey, Jersey, Alderney, and Sark, and to the Scilly Islands.

Extent of Act

XXXIV. Whenever it may be necessary to cite the said recited Acts or this Act, it shall be sufficient to use the Expression "New Parishes Act," 1843, 1844, or 1856, as the Case may require.

CLAUSE G.
Short Title
of 6 & 7 Vict.
c. 37.,
7 & 8 Vict.
c. 94.,
and this Act.

Formation, &c. of Parishes.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE, IN
COMMITTEE, AND ON CONSIDERATION OF
BILL AS AMENDED]

To facilitate the Formation and Endow-
ment of separate and distinct Parishes.

(*Prepared and brought in by
The Marquis of Blandford and Viscount Ebrington.*)

*Ordered, by The House of Commons, to be Printed,
11 July 1856.*

[Bill 245.]

Under 3 oz.

LORDS AMENDMENTS
TO THE
FORMATION, &c. OF PARISHES BILL.

Note.—*The Page and Line refer to the Bill as first printed by the Lords. (248.)*

Page 2.

- Line 9. After ("Church") insert ("within the District")
- Line 12. After ("Church") insert ("when consecrated")
- Line 38. Leave out ("No") and insert ("Every")

Page 3.

- Line 3. Leave out ("shall occupy or")
- Line 4. Leave out ("a Pew or")
- Line 5. Leave out ("thereafter retain any Right to a Pew or") and insert ("thereby surrender as to any Right that he may have possessed an equal Number of")
- Line 7. Leave out ("Pew or")
- Line 25. After ("and") insert ("that it"), and in the same Line after ("shall") insert ("be shown to the Satisfaction of the said Commissioners that the said Free Sitings will")
- Line 36. Leave out ("Scales") and insert ("Scale")

Page 4.

- Leave out Clause IX.
- Line 28. Leave out ("or") and insert ("but")
- Line 32. Leave out ("or Chapel")
- Line 34. Leave out ("or Chapel")
- Line 38. Leave out ("or Chapel")

Page 5.

- Lines 1 and 2. Leave out ("including Her present Majesty and Her Successors")
- Line 8. After ("belong") insert ("with the Consent in Writing of the Bishop of the Diocese")

[Bill 265.]

Page 6.

Page 6.

- Line 22. After ("shall") insert ("saving the Rights of the
" Bishop of the Diocese ")
Line 23. Leave out ("within the Limits of the same ")
Line 24. After ("Offices") insert ("within the Limits of the
" same ")

Page 7.

- Line 29. Leave out ("Case") and insert ("Cases")

Page 8.

- Line 6. Leave out from ("Act") to the End of the Clause.
Line 42. Leave out ("Two Nominations") and insert ("that
" Turn ")

Page 9.

- Lines 7 and 8. Leave out ("the said Acts or ")
Line 14. After the First ("the") insert ("then")
Line 15. After ("taken") insert ("for the Term of his
" Incumbency ")
Line 16. After ("the") insert ("then")
Line 17. After ("Parishes") insert ("for the Term of his
" Incumbency ")
Line 19. Leave out from ("notwithstanding") to the End of
the Clause.
Line 25. Leave out ("free from Incumbrances") and insert
("to the Satisfaction of the Commissioners ")

Page 10.

- Line 10. Leave out ("One Year") and insert ("Two
" Years ")

Page 11.

- Line 16. After ("of") insert ("each of")
Leave out Clause XXVIII.
Lines 38 and 39. Leave out ("Spiritual Person serving") and
insert ("Incumbent of")
Line 40. After ("Garden") insert ("or Glebe")
Line 41. Leave out ("to") and insert ("who shall")

- Page 11. Line 42. } After ("Hereditaments") insert ("to give or
and }
Page 12. Line 1. } " grant the same ")

Page 12.

- Line 6. Leave out from ("same") to the End of the
Clause.
Line 24. Leave out ("expressly") and insert ("otherwise")
Line 40. After ("Consent") insert ("of the Bishop of the
" Diocese and ")

Page 13.

Page 13.

Line 1. Leave out ("or which may hereafter belong"), and in the same Line after ("applicable") insert ("to the Repair and Maintenance thereof")

Line 4. After ("notwithstanding") insert Clause A.

CLAUSE A. "For the Purposes of the Acts concerning or
"regulating the Burial of the Dead, every Parish created
"under the said recited Acts or this Act shall be held to
"be an Ecclesiastical District within the Meaning of the
"said Acts"

Lines 5. and 6. Leave out ("except where the Context or
"other Provisions of the Act may require a different Con-
"struction")

Line 12. Leave out from ("parochial") to ("The") in
Line 16.

Line 17. Leave out from ("England") to ("The") in
Line 23.

Line 35. Leave out from ("Archbishop") to the End of the
Clause.

LORDS AMENDMENTS

TO THE

FORMATION, &c. OF PARISHES
BILL.

*Ordered, by The House of Commons, to be Printed,
22 July 1856.*

[Bill 265.]

Under 1 oz.

